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HIGHLIGHTS OF THIS ISSUE

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Title 3—The President

EXECUTIVE ORDER 11630

Amending Executive Order No. 11627 of October 15, 1971, Further Providing for the Stabilization of the Economy

By virtue of the authority vested in me by the Constitution and Statutes of the United States, particularly the Economic Stabilization Act of 1970, as amended, it is hereby ordered as follows:

SECTION 1. Subsection (b) of Section 7 of Executive Order No. 11627 [1] of October 15, 1971 is hereby amended by adding at the end thereof the following: "Each member of the Pay Board, other than the Chairman thereof, may designate an alternate who shall serve as a member of the Pay Board whenever the regular member is unable to attend any meeting of the Board."

SEC. 2. Subsection (b) of Section 8 of Executive Order No. 11627 of October 15, 1971, is hereby amended by adding at the end thereof the following: "Each member of the Price Commission, other than the Chairman thereof, may designate an alternate who shall serve as a member of the Price Commission whenever the regular member is unable to attend any meeting of the Commission."

Richard Nixon

THE WHITE HOUSE,
October 30, 1971.

[FR Doc.71-16115 Filed 11-1-71; 1:13 pm]

[1] 36 F.R. 20139.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 926—HANDLING OF TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Increase in Assessment Rate for the 1971–72 Fiscal Period

On October 20, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 20302) regarding a proposed increase in the assessment rate previously approved for the fiscal year ending March 31, 1972, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit written data, views, or arguments in connection with the proposal. None were submitted within the prescribed time.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order): *It is hereby ordered,* That the provisions of paragraph (b) of § 926.211 Expenses and rate of assessment (36 F.R. 17323) be amended to read as follows:

§ 926.211 Expenses and rate of assessment.

* * * * *

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at three cents ($0.03) per standard package or equivalent quantity of grapes.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and order require that any increase in the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable Tokay grapes from the beginning of such fiscal period; (2) the current fiscal period began on April 1, 1971, and the increased rate of assessment herein fixed will automatically apply to all assessable Tokay grapes beginning with such date; and (3) shipments of Tokay grapes are now being made and it is desirable, for administrative purposes, to apply this amended rate of assessment to the billing of handlers of Tokay grapes during the time of such handling.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 71-15992 Filed 11-2-71;8:47 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-1113]

PART 545—OPERATIONS

Distribution of Earnings of Short-Term Savings Accounts

OCTOBER 22, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.1–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1–1) for the purpose of permitting a Federal savings and loan association to distribute earnings on any designated class or classes of short-term savings accounts on such date or dates as may be designated by the association's board of directors. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 545.1–1 by adding, immediately after paragraph (f) thereof, a new paragraph (g) to read as follows, effective November 3, 1971:

§ 545.1–1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

* * * * *

(g) *Short-term savings accounts.* A Federal association which has a charter in the form of charter N or charter K (rev.) may, after adoption by its board of directors of a resolution so providing and while such resolution remains in effect, distribute earnings on any designated class or classes of short-term savings accounts as of such date or dates as may be designated in such resolution.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since such amendment relieves restriction, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.71-16035 Filed 11-2-71;8:51 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-274]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Application for Refund of Tonnage Tax

In accordance with Revised Statutes 4219 and 4225, as amended (46 U.S.C. 121 and 128), tonnage tax is imposed upon the entry of a vessel engaged in trade from a foreign port or place. Under section 26 of the Act of June 26, 1884, as amended (46 U.S.C. 8), illegally, improperly, or excessively imposed charges may be refunded and § 4.24, Customs Regulations, prescribes the procedure for applying for such refunds. This amendment delegates to Regional Commissioners of Customs the present authority of the Commissioner of Customs to act on certain applications for refunds, with a right to petition the Commissioner for a review of a decision by a Regional Commissioner. Section 4.24, Customs Regulations, is amended to read as follows:

§ 4.24 Application for refund of tonnage tax.

(a) The authority to make refunds in accordance with section 26 of the Act of June 26, 1884 (46 U.S.C. 8) of regular tonnage taxes described in § 4.20(a) is delegated to the several Regional Commissioners of Customs. If any doubt exists, the case shall first be referred to the Bureau for advice.

(b) Each application for refund of regular or special tonnage tax or light money prepared in accordance wtih this section shall be filed with the Customs

officer to whom payment was made. After verification of the pertinent facts asserted in the claim, the application shall be forwarded with any necessary report or recommendation to the Regional Commissioner of Customs. Applications for refund of special tonnage tax and light money (see § 4.20(c)) with the reports and recommendations submitted therewith shall be forwarded by the Regional Commissioner to the Commissioner of Customs for decision. Any refund authorized by the Regional Commissioner of Customs under paragraph (a) of this section or any refund of special tonnage tax or light money authorized by the Commissioner of Customs shall be made by the appropriate Customs officer. The records of tonnage tax shall be clearly noted to show each refund authorized.

(c) The application shall be a direct request for the refund of a definite sum, showing concisely the reasons therefor, the nationality and name of the vessel, and the date, place, and amount of each payment for which refund is requested. The application shall be made within 1 year from date of the payment. A protest against a payment shall not be accepted as an application for its refund.

(d) When the application is based upon a claim that more than five payments of regular tax at either the 2-cent or the 6-cent rate have been made during a tonnage year, the application shall be supported by a statement from the appropriate customs officer at the port where the application is submitted and from the appropriate customs officer at each port at which any claimed payment was made verifying the facts and showing in each case whether refunds have been authorized.

(e) The application shall include a certificate by the owner or by the owner's agent that payment of tonnage tax at the applicable rate has been or will be made for each entry of the vessel on a voyage on which that rate is applicable before the end of the current tonnage year, exclusive of any payment which has been refunded or which may be refunded as a result of such application.

(f) The owner or operator of the vessel involved, or other party in interest, may file with the Regional Commissioner a petition addressed to the Commissioner of Customs for a review of the Regional Commissioner's decision on an application for refund of regular tonnage tax. Such petition shall be filed in duplicate within 30 days from the date of notice of the Regional Commissioner's decision, shall completely identify the case, and shall set forth in detail the exceptions to the Regional Commissioner's decision. When such a petition has been filed, the Regional Commissioner shall immediately transmit both copies thereof and the entire file to the Bureau, together with any comments he may desire to submit. (Section 26, 23 Stat. 59, as amended; 46 U.S.C. 8.)

(80 Stat. 379, section 3, 23 Stat. 119, as amended; 5 U.S.C. 301; 46 U.S.C. 3)

Effective date. This amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: October 20, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-15999 Filed 11-2-71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretive Regulations

RADIOACTIVE NEW DRUGS; NEW-DRUG APPLICATION REQUIREMENTS

A notice was published in the FEDERAL REGISTER of January 27, 1971 (36 F.R. 1274), proposing removing the exemption of specific investigational radioactive new drugs from § 130.3 (21 CFR 130.3) of the new-drug regulations. The notice provided for the filing of comments within 30 days. At the request of a number of interested persons, the time for filing of comments was extended until March 28, 1971, by a notice published February 26, 1971 (36 F.R. 3528).

More than 100 comments were received from the medical community and the pharmaceutical industry. Some of the comments were from organizations acting as spokesmen for many of the Nation's medical and pharmaceutical specialists in radioactive drugs.

Most of those commenting agreed that there is a need to exercise regulatory control of radiopharmaceuticals. Some felt that the current controls, which are primarily exercised by the Atomic Energy Commission or by State Governments under "Agreement State Programs," were sufficient. Others felt that the evaluation of drugs for use in medicine more properly belongs with the Food and Drug Administration; however, a number of thoughtful points were raised about the procedures for implementing the proposal.

The comments may be summarized as follows:

(1) Brachytherapy and teletherapy sealed sources should be removed from the requirements of this proposal. These items are not drugs. The hazards from these sources are limited primarily to radiation emission which is effectively controlled by the Atomic Energy Commission.

(2) The Food and Drug Administration's implementation of the proposal would not provide for an orderly transition of previously exempted radioactive drugs to its control and would interfere with availability of these drugs for medical use.

(3) The proposal is not clear regarding the marketing status of the listed isotopes during the time that a new-drug application or "Notice of Claimed Investigational Exemption for a New Drug" is pending.

(4) The required 90-day time period to submit a new-drug application or "Notice of Claimed Investigational Exemption for a New Drug" is not considered sufficient to submit a well-organized document.

(5) Procedures for submitting a new-drug application, license application, or a "Notice of Claimed Investigational Exemption for a New Drug" should be revised and simplified, since the requirements for nonradioactive drugs are not appropriate in several respects to those of radiopharmaceuticals.

The Commissioner of Food and Drugs, having considered these comments and having discussed them with the Food and Drug Administration's Radiopharmaceutical Advisory Committee and societies representing various disciplines of radiopharmaceutical medicine, finds that:

(1) Brachytherapy and teletherapy sealed sources will not be included at this time in the listing of isotopes that require a new-drug application or "Notice of Claimed Investigational Exemption for a New Drug," pending further discussions with radiologists to determine the most effective procedures for handling sealed sources.

(2) The Food and Drug Administration and Division of Biologics Standards of the National Institutes of Health will develop procedures to assure a smooth transition of regulatory control without any interference in the availability of previously exempted radioactive drugs, provided the interests of the patient are adequately protected.

(3) If the requirements of § 130.49 (21 CFR 130.49) are met, commercial distribution of the radioactive new drugs may be continued until the Food and Drug Administration or Division of Biologics Standards of the National Institutes of Health notifies the sponsor or applicant otherwise.

(4) In view of the extent of experience with the listed isotopes and the fact that the Food and Drug Administration has given prior notice to manufacturers of the applicability to these products of the new-drug requirements (21 CFR 130.3 and 130.4), 90 days beyond the effective date of this order is regarded as adequate time to organize and submit the required information.

(5) The procedures for submission of a new-drug application, license application, or a "Notice of Claimed Investigational Exemption for a New Drug" are flexible enough to allow for the differences in the types of data required for radiopharmaceuticals and nonradiopharmaceuticals. However, the Food and Drug Administration and Division of Biologics Standards of the National Institutes of Health will work with interested representatives of associations, the

FDA advisory committee on radiopharmaceuticals, applicants, and sponsors in order to define the kind and extent of data that are required for the listed drugs. The Food and Drug Administration in cooperation with the Atomic Energy Commission will develop procedures to eliminate as much as possible the burden that may result from both agencies having overlapping responsibilities.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), and in cooperation with the Division of Biologics Standards of the National Institutes of Health and the Atomic Energy Commission, Part 130, Subpart A, is amended as follows:

1. Section 130.3 is amended by adding new paragraph (i) as follows:

§ 130.3 New drugs for investigational use in human beings; exemptions from section 505(a).

* * * * *

(i) For requirements regarding certain radioactive drugs, see § 130.49.

2. The following new section is added to Subpart A:

§ 130.49 Requirements regarding certain radioactive drugs.

(a) On January 8, 1963 (28 F.R. 183), the Commissioner of Food and Drugs exempted investigational radioactive new drugs from § 130.3 provided they were shipped in complete conformity with the regulations issued by the Atomic Energy Commission. This exemption also applied to investigational radioactive biologics.

(b) It is the opinion of the Atomic Energy Commission, the Division of Biologics Standards of the National Institutes of Health, and the Food and Drug Administration that this exemption should not apply for certain specific drugs and that these drugs should be appropriately labeled for uses for which safety and effectiveness can be demonstrated by new-drug applications or through licensing by the Public Health Service in the case of biologics. Continued distribution under the investigational exemption when the drugs are intended for established uses will not be permitted.

(c) Based on its experience in regulating investigational radioactive pharmaceuticals, the Atomic Energy Commission has compiled a list of reactor-produced isotopes for which it considers that applicants may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling; such use may include, among others, the uses in this tabulation:

Isotope	Chemical form	Use
Chromium 51	Chromate	Spleen scans.
Do	do	Placenta localization.
Do	do	Red blood cell labeling and survival studies.
Do	Labeled human serum albumin.	Gastrointestinal protein loss studies.
Do	do	Placenta localization.
Do	Labeled red blood cells.	Do.
Cobalt 58 or Cobalt 60.	Labeled cyanocobalamin.	Intestinal absorption studies.
Gold 198	Colloidal	Liver scans.
Do	do	Intracavitary treatment of pleural effusions and/or ascites.
Do	do	Interstitial treatment of cancer.
Iodine 131	Iodide	Diagnosis of thyroid functions.
Do	do	Thyroid scans.
Do	do	Treatment of hyperthyroidism and/or cardiac dysfunction.
Do	do	Treatment of thyroid carcinoma.
Do	Iodinated human serum albumin.	Blood volume determinations.
Do	do	Cisternography.
Do	do	Brain tumor localization.
Do	do	Placenta localization.
Do	do	Cardiac scans for determination of pericardial effusions.
Do	Rose Bengal	Liver function studies.
Do	do	Liver scans.
Do	Iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate.	Kidney function studies and kidney scans.
Iodine 131	Labeled fats and/or fatty acids.	Fat absorption studies.
Do	Cholografin	Cardiac scans for determination of pericardial effusions.
Do	Macroaggregated iodinated human serum albumin.	Lung scans.
Do	Colloidal microaggregated human serum albumin.	Liver scans.
Iodine 125	Iodide	Diagnosis of thyroid function.
Do	Iodinated human serum albumin.	Blood volume determinations.
Do	Rose Bengal	Liver function studies.
Do	Iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate.	Kidney function studies.
Do	Labeled fats and/or fatty acids.	Fat absorption studies.
Iron 59	Chloride, citrate and/or sulfate.	Iron turnover studies.
Krypton 85	Gas	Diagnosis of cardiac abnormalities.
Mercury 197	Chlormerodrin	Kidney scans.
Do	do	Brain scans.
Mercury 203 [1]	do	Kidney scans.
Do	do	Brain scans.
Phosphorus 32	Soluble phosphate.	Treatment of polycythemia vera.
Do	do	Treatment of leukemia and bone metastasis.
Do	Colloidal chromic phosphate.	Intracavitary treatment of pleural effusions and/or ascites.
Do	do	Interstitial treatment of cancer.
Potassium 42	Chloride	Potassium space studies.
Selenium 75	Labeled methionine.	Pancreas scans.
Strontium 85	Nitrate or chloride.	Bone scans on patients with diagnosed cancer.
Technetium 99m.	Pertechnetate	Brain scans.
Do	do	Thyroid scans.
Do	Sulfur colloid	Liver and spleen scans.
Do	Pertechnetate	Placenta localization.
Do	do	Blood pool scans.
Do	do	Salivary gland scans.
Do	Diethylenetriamine pentaacetic acid (DTPA).	Kidney scans.
Xenon 133	Gas	Diagnosis of cardia abnormalities. Cerebral blood-flow studies. Pulmonary function studies. Muscle blood-flow studies.

[1] This item has been removed from the AEC list for kidney scans but is included as the requirements of this order are applicable.

(d) (1) In view of the extent of experience with the isotopes listed in paragraph (c) of this section, the Atomic Energy Commission, the Division of Biologics Standards of the National Institutes of Health, and the Food and Drug Administration conclude that they should not be distributed under investigational-use labeling when they are actually intended for use in medical practice.

(2) It is further concluded that manufacturers or distributors interested in continuing to ship in interstate commerce drugs containing the isotopes listed in paragraph (c) of this section for any of the indications listed should submit, within 90 days after the effective date of this section, to the Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852, a new-drug application or a "Notice of Claimed Investigational Exemption for a New Drug" for each such drug for which the manufacturer or distributor does not have an approved new-drug application pursuant to section 505(b) of the Federal Food, Drug, and Cosmetic Act. Any "Notice of Claimed Investigational Exemption for a New Drug" should be submitted in accordance with § 130.3, and any new-drug application should be submitted in accordance with § 130.4.

(3) If the drug is a biologic, a "Notice of Claimed Investigational Exemption for a New Drug" or an application for a license under the Public Health Service Act of July 1, 1944, should be submitted to the Division of Biologics Standards of the National Institutes of Health, Public Health Service, Building 29, 9000 Rockville Pike, Bethesda, Md. 20014.

(4) After such 90-day period, the isotopes listed in paragraph (c) of this section, in the "chemical form" and intended for the uses stated, will no longer be exempt from § 130.3.

(e) No exemption from section 505 of the act or from § 130.3 is in effect or has been in effect for radioactive drugs prepared from accelerator-produced radioisotopes, naturally occurring isotopes, or nonradioactive substances used in conjunction with isotopes.

Effective date: This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: October 18, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-15905 Filed 11-2-71;8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 470-71]

PART 50—STATEMENTS OF POLICY

Release of Information by Personnel of Department of Justice Relating to Criminal and Civil Proceedings

This order revises the existing Department of Justice guidelines governing release by Department personnel of information relating to criminal proceedings to assure greater protection of the right of the accused to a fair trial and adds guidelines for the release of information regarding civil proceedings.

By virtue of the authority vested in me by 28 U.S.C. 509, § 50.2 of Part 50 of chapter I of Title 28 of the Code of Federal Regulations is revised to read as follows:

§ 50.2 Release of information by personnel of the Department of Justice relating to criminal and civil proceedings.

(a) *General.* (1) The availability to news media of information in criminal and civil cases is a matter which has become increasingly a subject of concern in the administration of justice. The purpose of this statement is to formulate specific guidelines for the release of such information by personnel of the Department of Justice.

(2) While the release of information for the purpose of influencing a trial is, of course, always improper, there are valid reasons for making available to the public information about the administration of the law. The task of striking a fair balance between the protection of individuals accused of crime or involved in civil proceedings with the Government and public understandings of the problems of controlling crime and administering government depends largely on the exercise of sound judgment by those responsible for administering the law and by representatives of the press and other media.

(3) Inasmuch as the Department of Justice has generally fulfilled its responsibilities with awareness and understanding of the competing needs in this area, this statement, to a considerable extent, reflects and formalizes the standards to which representatives of the Department have adhered in the past. Nonetheless, it will be helpful in ensuring uniformity of practice to set forth the following guidelines for all personnel of the Department of Justice.

(4) Because of the difficulty and importance of the questions they raise, it is felt that some portions of the matters covered by this statement, such as the authorization to make available Federal conviction records and a description of items seized at the time of arrest, should be the subject of continuing review and consideration by the Department on the basis of experience and suggestions from those within and outside the Department.

(b) *Guidelines to criminal actions.* (1) These guidelines shall apply to the release of information to news media from the time a person is the subject of a criminal investigation until any proceeding resulting from such an investigation has been terminated by trial or otherwise.

(2) At no time shall personnel of the Department of Justice furnish any statement or information for the purpose of influencing the outcome of a defendant's trial, nor shall personnel of the Department furnish any statement or information, which could reasonably be expected to be disseminated by means of public communication, if such a statement or information may reasonably be expected to influence the outcome of a pending or future trial.

(3) Personnel of the Department of Justice, subject to specific limitations imposed by law or court rule or order, may make public the following information:

(i) The defendant's name, age, residence, employment, marital status, and similar background information.

(ii) The substance or text of the charge, such as a complaint, indictment, or information.

(iii) The identity of the investigating and/or arresting agency and the length or scope of an investigation.

(iv) The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of physical items seized at the time of arrest.

Disclosures should include only incontrovertible, factual matters, and should not include subjective observations. In addition, where background information or information relating to the circumstances of an arrest or investigation would be highly prejudical or where the release thereof would serve no law enforcement function, such information should not be made public.

(4) Personnel of the Department shall not volunteer for publication any information concerning a defendant's prior criminal record, but information drawn from Federal conviction records may be made available in response to a specific request.

(5) Because of the particular danger of prejudice resulting from statements in the period approaching and during trial, they ought strenuously to be avoided during that period. Any such statement or release shall be made only on the infrequent occasion when circumstances absolutely demand a disclosure of information and shall include only information which is clearly not prejudicial.

(6) The release of certain types of information generally tends to create dangers of prejudice without serving a significant law enforcement function. Therefore, personnel of the Department should refrain from making available the following:

(i) Observations about a defendant's character.

(ii) Statements, admissions, confessions, or alibis attributable to a defendant, or the refusal or failure of the accused to make a statement.

(iii) Reference to investigative procedures such as fingerprints, polygraph examinations, ballistic tests, or laboratory tests, or to the refusal by the defendant to submit to such tests or examinations.

(iv) Statements concerning the identity, testimony, or credibility of prospective witnesses.

(v) Statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.

(vi) Any opinion as to the accused's guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea to a lesser offense.

(7) Personnel of the Department of Justice should take no action to encourage or assist news media in photographing or televising a defendant or accused person being held or transported in Federal custody. Departmental representatives should not make available photographs of a defendant unless a law enforcement function is served thereby.

(8) This statement of policy is not intended to restrict the release of information concerning a defendant who is a fugitive from justice.

(9) Since the purpose of this statement is to set forth generally applicable guidelines, there will, of course, be situations in which it will limit the release of information which would not be prejudicial under the particular circumstances. If a representative of the Department believes that in the interest of the fair administration of justice and the law enforcement process information beyond these guidelines should be released, in a particular case, he shall request the permission of the Attorney General or the Deputy Attorney General to do so.

(c) *Guidelines to civil actions.* Personnel of the Department of Justice associated with a civil action shall not during its investigation or litigation make or participate in making an extrajudicial statement, other than a quota-

tion from or reference to public records, which a reasonable person would expect to be disseminated by means of public communication if there is a reasonable likelihood that such dissemination will interfere with a fair trial and which relates to:

(1) Evidence regarding the occurrence or transaction involved.

(2) The character, credibility, or criminal records of a party, witness, or prospective witness.

(3) The performance or results of any examinations or tests or the refusal or failure of a party to submit to such.

(4) An opinion as to the merits of the claims or defenses of a party, except as required by law or administrative rule.

(5) Any other matter reasonably likely to interfere with a fair trial of the action.

Dated: October 26, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-15998 Filed 11-2-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airpace Docket No. 71-SW-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Breckenridge, Tex.

On September 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 18109) stating the Federal Aviation Administration proposed to designate a transition area at Breckenridge, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

BRECKENRIDGE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stephens County Airport (latitude 32°43'01" N., longitude 98°53'34" W.) and within 3.5 miles each side of the 004° bearing from the Breckenridge RBN (latitude 32°44'50" N., longitude 98°53'27" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on October 22, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-15965 Filed 11-2-71;8:45 am]

[Airspace Docket No. 71-SW-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment is to alter the description of the Albuquerque, N. Mex., control zone and transition area.

The present control zone and transition area descriptions include specific reference to the Albuquerque Sunport Airport/Kirtland AFB; however, the name of this airport has now been changed to Albuquerque International Airport.

As this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In §71.171 (36 F.R. 2055) and in §71.181 (36 F.R. 2140), the Albuquerque, N. Mex., control zone and transition area are amended by deleting "Albuquerque Sunport Airport/Kirtland AFB" and substituting "Albuquerque International Airport" therefor, wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on October 22, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-15966 Filed 11-2-71;8:45 am]

[Airspace Docket No. 71-SW-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Corpus Christi, Tex., control zone.

The present description of the Corpus Christi, Tex., control zone includes an extension to the northeast based on utilization of the Corpus Christi VORTAC 200° radial (191° magnetic). It was determined that the 202° radial (193° magnetic) affords a more suitable final approach course and the approach procedure (VOR Rwy 17—Corpus Christi International) was changed accordingly.

Action is being taken herein to change the airspace description to indicate the VORTAC 202° radial rather than the 200° radial. As the extent of airspace will not be increased and the airspace affected is minor, notice and public procedures are considered unnecessary and the amendment may be effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as herein set forth.

In § 71.171 (36 F.R. 2055), the Corpus Christi, Texas, control zone is amended by deleting "VORTAC 200° radial" and substituting "VORTAC 202° radial" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Forth Worth, Tex., on October 22, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-15967 Filed 11-2-71;8:45 am]

[Airspace Docket No. 71-EA-144]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Danville, Va., control zone (36 F.R. 2073).

On January 13, 1972, the Flight Service Station's hours of operation will be reduced to 0600–2200 hours, local time, daily. This will require a similar reduction in the hours of the existence of the control zone.

Since the foregoing amendment is less restrictive in nature, notice and public procedure are unnecessary and the amendment may be made effective in less than 30 days.

The Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Danville, Va., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, so as to amend the description of the Danville, Va. control zone by adding, "This control zone is effective from 0600 to 2200 hours, local time, daily", following the phrase, "7 miles SW of the VOR."

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on October 15, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-15963 Filed 11-2-71;8:45 am]

[Airspace Docket No. 71-EA-145]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Harrisburg, Pa., control zone (36 F.R. 2088) and transition area (36 F.R. 2199).

The Harrisburg State and Olmsted State Airports were recently renamed Capital City Airport and Harrisburg International Airport-Olmsted Field respectively. To reflect these airport name changes, alteration of the Harrisburg, Pa. control zone and 700-foot floor transition area descriptions will be required.

Since the foregoing amendment is editorial in nature, notice and public procedure thereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Harrisburg, Pa., the amendment is herewith made effective upon publication in the FEDERAL REGISTER (11-3-71), as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations, so as to amend the Harrisburg, Pa. control zone as follows:

a. Delete, "Harrisburg State Airport", and substitute, "Capital City Airport", therefor wherever it appears in the text.

b. Delete, "Olmsted State Airport", and substitute, "Harrisburg International Airport—Olmsted Field", therefor wherever it appears in the text.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to amend the Harrisburg, Pa. 700-foot floor transition area as follows:

a. Delete, "Harrisburg State Airport", and substitute, "Capital City Airport", therefor.

b. Delete, "Olmsted State Airport", and substitute, "Harrisburg-International Airport—Olmsted Field", therefor wherever it appears in the text.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on October 15, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-15969 Filed 11-2-71;8:45 am]

[Airspace Docket No. 71-WA-2B]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On March 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4298) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes as a part of the overall program to establish an area navigation route structure.

To date, nine of the proposed high routes have been designated in two rules. Additional proposed routes, J826R, J827R, J830R, J834R, J836R, J839R, J846R, and J849R have now been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The USAF Strategic Air Command tentatively objected to the proposed routes due to possible derogation to their training program by conflicts between some of the proposed routes and USAF radar bomb scoring routes, refueling areas, or other orbital paths. The FAA regions involved have assured USAF that procedural separation shall be provided between military aircraft and civil aircraft at route conflict points.

New reference facilities were selected to improve signal coverage for some waypoints in each of the routes herein, except J836R which remains as originally proposed. One waypoint was eliminated from J830R. Also, J839R (Jacksonville, Fla., to Atlanta, Ga.) was realigned by relocating the first waypoint to effect segregation from proposed parallel route J838R planned for designation in a future rule. This realignment is minor in nature. The reference facility changes involved do not affect route alignments.

Remaining routes in Airspace Docket No. 71-WA-2 will be issued in one or more final rules soon after flight inspection has been completed.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 6, 1972, as hereinafter set forth.

In § 75.400 (36 F.R. 2370) the following area high routes are added:

Waypoint name	Location, North latitude/West longitude (in degrees, minutes and seconds)	Reference facility
J826R (KANSAS CITY, MO., TO CHICAGO, ILL.)		
Bogard, Mo.	39 24 13/93 44 49	Lamoni, Iowa.
Bradford, Ill.	41 09 35/89 35 16	Dubuque, Iowa.
Warren, Ill.	41 48 39/88 16 07	Joliet, Ill.
J827R (CHICAGO, ILL., TO KANSAS CITY, MO.)		
Morrison, Ill.	41 55 53/89 47 00	Bradford, Ill.
Kirksville, Mo.	40 03 06/92 35 30	Lamoni, Iowa.
Lawson, Mo.	39 30 13/94 05 16	Lamoni, Iowa.
J830R (ST. LOUIS, MO., TO NEW YORK, N.Y.)		
Marine, Ill.	38 43 46/89 51 54	Capital, Ill.
Gosport, Ind.	39 25 27/86 39 20	Lafayette, Ind.
Spot, Ohio.	42 00 19/80 56 16	Carleton, Mich.
Ormsby, Pa.	41 48 09/78 38 27	Buffalo, N.Y.
Sparta, N.J.	41 01 03/74 32 19	Sparta, N.J.
J834R (CHICAGO, ILL., TO CLEVELAND, OHIO)		
Kinderhook, Mich.	41 47 37/85 00 23	Fort Wayne, Ind.
Henrietta, Ohio	41 19 23/82 22 42	Carleton, Mich.
J836R (CHICAGO, ILL., TO CINCINNATI, OHIO)		
Judyville, Ind.	40 14 20/87 22 35	Fort Wayne, Ind.
Osgood, Ind.	39 09 27/85 12 25	Fort Wayne, Ind.
J839R (JACKSONVILLE, FLA., TO ATLANTA, GA.)		
Woodbine, Ga.	30 45 00/81 41 02	Savannah, Ga.
Sinclair, Ga.	33 05 19/83 33 03	Augusta, Ga.
J846R (OMAHA, NEBR., TO CHICAGO, ILL.)		
Omaha, Nebr.	41 18 00/95 54 00	Lamoni, Iowa.
Des Moines, Iowa.	41 26 16/93 38 54	Lamoni, Iowa.
Scales Mound, Ill.	42 22 53/90 21 00	Iowa City, Iowa.
Lakewood, Ill.	42 12 21/88 18 53	Milwaukee, Wis.
J849R (CHICAGO, ILL., TO DES MOINES, IOWA)		
Morrison, Ill.	41 55 53/89 47 00	Bradford, Ill.
Runnells, Iowa.	41 36 41/93 22 43	Macon City, Iowa.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-15970 Filed 11-2-71; 8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Board on Collections and Compromises

1. In § 17.300, the introductory text preceding paragraph (a) is amended to read as follows:

§ 17.300 Establishment and jurisdiction.

There is established in the Department of Medicine and Surgery, under the supervision and administrative control of the Executive Assistant to the Chief Medical Director, a Board on Collections

and Compromises. The Board shall consider and determine, except for determinations as to litigative probabilities and other legal considerations for which authority has been delegated to the general counsel under § 2.6(e) (4) (i) of this chapter, questions involving any offer to settle for less than liquidated value, and proposals to terminate collection action or to suspend collection action for 1 year or more, which are properly referred to the Board under §§ 17.64 and 17.65, in any claim asserted by the Veterans Administration on a debt or obligation owed the Veterans Administration, if:

* * * * *

2. Section 17.302 is revised to read as follows:

§ 17.302 Selection of members.

The members of the Board on Collections and Compromises, and their alternates, shall be selected so that each organizational element headed by an Assistant Chief Medical Director is represented on the Board. The chairman and his alternate shall be selected from the staff of the Executive Assistant to the Chief Medical Director.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: October 27, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-16007 Filed 11-2-71;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101-11—RECORDS MANAGEMENT

Disposition of Federal Records

Subpart 101-11.4 is amended to conform to the provisions of Public Law 91-287, approved June 23, 1970, which amended the Records Disposal Law of 1943 (44 U.S.C. Ch. 33), and to reflect changes in the organization of the General Services Administration.

The table of contents for Part 101-11 is amended as follows:

Sec.

101-11.410	Transfer of records to Federal records centers.
101-11.410-2	Procedures for transfers to Federal records centers.
101-11.410-3	Procedures for transfers to the National Personnel Records Center, St. Louis, Mo.
101-11.410-4	Vital records.
101-11.411-2	Transfers via Federal records centers.

Subpart 101-11.4—Disposition of Federal Records

1. Section 101-11.401-1 is revised to read as follows:

§ 101-11.401-1 Records scheduling programs.

A records scheduling program is essential to promote a prompt and orderly reduction in the quantity of records in each Federal agency in accordance with 44 U.S.C. 2904, 3102, and 3301.

2. Section 101-11.401-2 is amended by adding paragraph (d) and revising the introductory text as follows:

§ 101-11.401-2 Basic elements in records scheduling programs.

Four basic elements are present in a records scheduling program:

* * * * *

(d) The identification and selection of permanent records in accordance with records retention plans. (See § 101-11.403-4.)

3. Sections 101-11.401-3 (a) and (b) are revised to read as follows:

§ 101-11.401-3 Formulation of records control schedules.

* * * * *

(a) Each Federal agency shall compile and maintain on a current basis a records control schedule for all major groups of records in its custody having importance in terms of content, bulk, or space and equipment occupied. For all newly created Federal agencies such schedules shall be completed within 1 year after creation of the agency.

(b) Schedules shall clearly identify and describe the series of records covered, and shall contain instructions that, when approved, can be readily applied. Schedules must be readily adaptable to use along organizational lines so that each office will have standing instructions for the disposition or retention of records in its custody.

* * * * *

4. Section 101-11.401-4 is amended by revising paragraph (b) and adding paragraph (d) as follows:

§ 101-11.401-4 Provisions of records control schedules.

* * * * *

(b) The removal to a Federal records center (or to an agency records center approved under § 101-11.412) of those records which cannot be disposed of immediately but which need not be maintained in office space and equipment. Such records will be maintained by the records center pending their transfer or disposal.

* * * * *

(d) The identification of permanent records, in accordance with records retention plans. (See § 101-11.403-4.)

5. Section 101-11.401-5 is revised to read as follows:

§ 101-11.401-5 Application of records control schedules.

The head of each Federal agency shall take necessary action to obtain the application of records control schedules to provide for the maximum economy of space, equipment, and personnel. Two copies of each directive or other issuance (including the text of schedules as issued) affecting the agency's records disposition program at the bureau or higher organizational level shall be transmitted to the General Services Administration (NNA), Washington, D.C. 20408, upon its promulgation.

6. Sections 101-11.403-1 and 101-11.403-4(b) are revised to read as follows:

§ 101-11.403-1 Authority.

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency (44 U.S.C. 3101). The Administrator of General Services will establish standards for the selective retention of those records having continuing value and assist Federal agencies in applying the standards to records in their custody (44 U.S.C. 2905).

§ 101-11.403-4 Application of records retention plans.

* * * * *

(b) Within 6 months after receipt of a plan, an agency shall revise its records control schedules in accordance with the provisions of the plan to insure that all records designated in the plan are retained and periodically transferred to the National Archives of the United States.

* * * * *

7. Section 101-11.404-1 is revised to read as follows:

§ 101-11.404-1 Authority.

(a) The Administrator of General Services will establish standards for the selective retention of records of continuing value (44 U.S.C. 2905).

(b) No records of the U.S. Government shall be alienated or destroyed except in accordance with 44 U.S.C. 3314.

(c) The Administrator may promulgate General Records Schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government (44 U.S.C. 3303a).

(d) These schedules constitute authority to dispose of the records included therein. Agencies may apply this authority subject to approval of the Comptroller General of the United States when required by 44 U.S.C. 3309. Such common records disposal authority is permissive and not mandatory. Provisions of the General Records Schedules may be applied to records in the custody of the Archivist of the United States at his discretion. (Agencies desiring authority to dispose of records covered by such schedules after different periods of time than the periods in the General Records Schedules shall make request therefor in the manner prescribed by § 101–11.406.) In addition, since the staff agencies involved have approved the standards embodied in these schedules, such requests shall be supported by an explanation of the basis for the shorter retention period proposed.

8. Section 101–11.406 is amended to read as follows:

§ 101–11.406 Agency disposal authority.

§ 101–11.406–1 Authority.

No records of the Government shall be alienated or destroyed except in accordance with 44 U.S.C. 3314. The Administrator will establish procedures to be followed by Federal agencies in compiling and submitting lists and schedules of records proposed for disposal (44 U.S.C. 3302).

§ 101–11.406–2 Submsision of disposal requests.

Requests for authorization to dispose of records shall be initiated by Federal agencies by submitting records disposal lists or schedules to the National Archives and Records Service on Standard Form 115, Request for Authority to Dispose of Records, and Standard Form 115–A, Request for Authority to Dispose of Records—Continuation Sheet, if necessary (§§ 101–11.4902 through 101–11.4904). Standard Form 115 may be used for submitting either a list or schedule, by checking either A or B under entry 6 of the form. Authority contained in an approved list is limited to records already in existence and should be used only when records of the types described are no longer accumulating. A schedule gives continuing authorization and will be used in all instances where the types of records described in the request will continue to accumulate.

* * * * *

§ 101–11.406–4 General Accounting Office clearance.

Each Federal agency shall obtain the approval of the Comptroller General for the disposal of certain classes of records relating to claims and demands by or against the Government or to accounts in which the Government is concerned. Such approval shall be obtained either prior to or concurrently with the submission of the disposal request to the National Archives and Records Service (44 U.S.C. 3309).

§ 101–11.406–5 Approval of requests for disposal authority.

After review by the National Archives and Records Service, the Archivist of the United States will determine whether the records are disposable. If the Archivist approves the disposal request, the National Archives and Records Service will notify the agency by returning one copy of completed Standard Form 115. This shall constitute the disposal authorization, which is mandatory. (For extension of retention periods or withdrawal of disposal authority, see §§ 101–11.406–7 and 101–11.406–8.) Such authorized disposal shall be accomplished as prescribed in § 101–11.408. Agencies shall forward 16 copies of all formally published disposal authorities to the National Archives and Records Service (NC).

§ 101–11.406–6 Mutilation and destruction of records.

(a) The Administrator and the heads of Federal agencies are responsible for preventing the unlawful removal, defacing, alteration, or destruction of records (44 U.S.C. 2905, 3106).

* * * * *

§ 101–11.406–7 Extension of retention periods.

In an emergency or when it is in the interest of economy, the head of a Federal agency may retain records authorized for disposal after the specified retention period. When records are so retained, a copy of the directive directing such retention shall be furnished to the Administrator and such records shall be disposed of as soon as administratively practicable (44 U.S.C. 2909).

§ 101–11.406–8 Withdrawal of disposal authority.

In an emergency or when it is in the interest of efficiency of Government operations, GSA will withdraw disposal authorizations in approved disposal schedules (44 U.S.C. 2909). Such withdrawal may apply to particular items on schedules submitted by agencies or may apply to all existing authorizations for the disposal of a specified type of record obtained by any or all agencies of the Government. If the withdrawal is applicable to only one agency, that agency will be notified of such action by letter signed by the Archivist; if applicable to more than one agency, notification may be by GSA bulletin issued and signed by the Archivist.

§ 101–11.406–9 Supersession of disposal authority.

Disposal authorizations contained in approved disposal schedules are automatically superseded by approval of a later schedule applicable to the same records unless the later schedule specifically provides that both the earlier and later schedules shall be applicable at the agency's discretion.

9. Sections 101–11.407–2(a) and 101–11.407–3(a) are revised to read as follows:

§ 101–11.407–2 Menaces to human health or life or to property.

(a) Disposal is authorized whenever it is determined that records constitute a continuing menace to human health or life or to property (44 U.S.C. 3310). Whenever the head of an agency has determined that records constitute such a menace, he shall notify the National Archives and Records Service, specifying the nature of the records, their location and quantity, and the nature of the menace. If the National Archives and Records Service concurs in the determination, the immediate removal of the menace by the destruction of the records or by other appropriate means will be directed. However, if the determination is with respect to still or motion picture film on nitrocellulose base that has deteriorated to the extent described in paragraph (b) of this section, the head of the agency may follow the procedure therein provided.

* * * * * *

§ 101–11.407–3 State of war or threatened war.

(a) Destruction of records outside the territorial limits of the continental United States is authorized whenever, during a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent, the head of the agency that has custody of the records determines that their retention would be prejudicial to the interest of the United States, or that they occupy space urgently needed for military purposes and are without sufficient value to warrant preservation (44 U.S.C. 3311).

* * * * *

10. Sections 101–11.408–1 and 101–11.408–2 are revised to read as follows:

§ 101–11.408–1 Authority.

Federal agencies are required to follow regulations issued by the Administrator governing the methods for use in disposing of records (44 U.S.C. 3314). Only the methods in this § 101–11.408 shall be used.

§ 101–11.408–2 Sale or salvage.

Paper records to be disposed of shall normally be sold as wastepaper. If the records are defense classified, their disposal is governed by Executive Order 10501 of November 5, 1953 (3 CFR). If the records are restricted, that is, if laws or regulations forbid their use by the public, the wastepaper contractor shall be required to pulp, macerate, or shred them. The contracting officer shall name a Federal employee to witness the disposal. For all other records the contract for sale shall prohibit their resale for use as records or documents. Records other than paper records (film, plastic recordings, etc.) may be salvaged or sold in the same manner and under the same conditions as paper records. All sales shall be in accordance with the established procedures for the sale of surplus personal property. (See FPMR regulations,

subchapter H, § 101–45 Sale, Abandonment, or Destruction of Personal Property.)

11. Sections 101–11.409–1 and 101–11.409–9(a) are revised to read as follows:

§ 101–11.409–1 Authority.

The Administrator will issue regulations governing the transfer of records from the custody of one executive agency to another (44 U.S.C. 2908).

§ 101–11.409–9 Exceptions.

* * * * *

(a) When records are transferred to the Federal records centers or the National Archives Building in accordance with §§ 101–11.410 and 101–11.411.

* * * * *

12. Section 101–11.410 is amended as follows:

§ 101–11.410 Transfer of records to Federal records centers.

§ 101–11.410–1 Authority.

The Administrator of General Services is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of records for Federal agencies (44 U.S.C. 2907). Such centers are known as Federal records centers. In addition, a National Personnel Records Center is maintained for designated records of the Department of Defense and the U.S. Civil Service Commission and for other designated records pertaining to former Federal civilian employees. A list of these records centers follows:

GSA region	Areas served	Mailing addresses
	Designated records of the Military Departments and the U.S. Coast Guard.	National Personnel Records Center, 9700 Page Blvd., St. Louis, MO 63132.
	Entire Federal Government (for personnel and pay records of separated Civilian employees; other designated records).	National Personnel Records Center, 111 Winnebago Street, St. Louis, MO 63118.
1	Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.	Federal Records Center, 380 Trapelo Rd., Waltham, MA 02154.
2	New York, New Jersey, Puerto Rico, and the Virgin Islands.	Federal Records Center, 641 Washington St., New York, NY 10014.
3	Delaware and Pennsylvania east of Lancaster.	Federal Records Center, 5000 Wissahickon Ave., Philadelphia, PA 19144.
	Pennsylvania except areas east of Lancaster.	Federal Records Center, Naval Supply Depot, Bldg. 308, Mechanicsburg, PA 17055.
	District of Columbia, Maryland, West Virginia, and Virginia.	Washington National Records Center, Washington, DC 20409.
4	North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Kentucky.	Federal Records Center, 1557 St. Joseph Ave., East Point, GA 30044.
5	Illinois, Wisconsin, Michigan, Indiana, Ohio, and Minnesota.	Federal Records Center, 7201 South Leamington Ave., Chicago, IL 60638.
6	Kansas, Iowa, Nebraska, and Missouri except greater St. Louis area.	Federal Records Center, 2306 East Bannister Rd., Kansas City, MO 64131.
	Greater St. Louis area (Missouri only).	National Personnel Records Center, 111 Winnebago St., St. Louis, MO 63118.
7	Texas, Oklahoma, Arkansas, Louisiana, and New Mexico.	Federal Records Center, Post Office Box 6216, Fort Worth, TX 76115.
8	Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota.	Federal Records Center, Building 48, Denver Federal Center, Denver, CO 80225.
9	Nevada except Clark County, California except Southern California and Pacific Ocean areas.	Federal Records Center, Building 1, 100 Harrison St., San Francisco, CA 94105.
	Arizona; Clark County, Nevada; and Southern California (counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Orange, Los Angeles, Riverside, Inyo, Imperial, San Diego).	Federal Records Center, 4747 Eastern Ave., Bell, CA 90201.
10	Washington, Oregon, Idaho, and Alaska.	Federal Records Center, 6125 Sand Point Way, Seattle, WA 98115.

§ 101–11.410–2 Procedures for transfers to Federal records centers.

This § 101–11.410–2 contains procedures governing the transfer of records to Federal records centers. Such procedures also appear in detail in the GSA Records Management Handbook, "Federal Records Centers."

(a) Federal records centers will accept for transfer any records offered by Federal agencies, subject to the following conditions:

(1) The records are not authorized for immediate disposal and transportation costs are not in excess of the resulting savings, and

(2) Facilities for storing and providing reference service on the records are available.

* * * * *

(c) Transfers may be initiated by either oral or written request to the manager of the Federal records center in the GSA region in which the records are located. Requests shall specify the nature and quantity of the records proposed for transfer.

(d) Transfers of records on an agency-wide basis may be initiated by central or headquarters offices of agencies by either oral or written request to the General Services Administration (NC), Washington, D.C. 20408. Requests shall specify the nature and quantity of the records proposed for transfer.

(e) Transfers to the Federal records centers shall be accompanied by Standard Form 135, Records Transmittal and Receipt (§ 101–11.4907), and Standard Form 135–A, Records Transmittal and Receipt Continuation Sheet (§ 101–11.4908), if necessary, in triplicate. When feasible, records should be transferred in standard corrugated boxes used by the records centers.

(f) Federal records centers will furnish agencies with a receipt acknowledging the transfer of records by returning to the transferring agency a signed copy of the standard form required by paragraph (e) of this section. The returned copy will serve as a future aid in requesting reference service, as it will be annotated with the numbers of the records center containers in which the records are stored.

§ 101–11.410–3 Procedures for transfer to the National Personnel Records Center, St. Louis, Mo.

General Records Schedules 1 and 2 specify that certain civilian personnel and pay records shall be centralized at the National Personnel Records Center (Civilian Personnel Records) at St. Louis.

* * * * *

(b) Official personnel folders should be transferred to the Center by transmittal letter specifying the number of folders and the month and year of separation of employees. Receipts will not be furnished for official personnel folders, loose papers intended for inclusion in such folders, or pay records.

(c) Loose papers being prepared for transfer for inclusion in official personnel folders previously sent to the records center shall be screened of temporary material, as defined in the Federal Personnel Manual, and only the papers prescribed as essential for inclusion in each individual's folder shall be forwarded. Each paper should show the following concerning the employee: Full name, date of birth, social security number, and date of separation.

(d) Transfer of fiscal records shall be accompanied by Standard Form 135 in triplicate. When feasible, records shall be transferred in the standard corrugated boxes used by the records centers.

(e) Standard Form 127, Request for Official Personnel Folder (Separated Employee) (§ 101–11.4906) shall be used by agencies in requesting transmission of personnel records of separated employees from the records center. Use of this form insures prompt transmission of the desired folders. It should be submitted to the records center in duplicate.

§ 101–11.410–4 Vital records.

GSA has established a single, centrally located depository suitable for the storage and protection of emergency preparedness records as described in Subpart 101–11.7. The depository is accessible to rail, motor, and air transportation. It has temperature and humidity controls allowing the safe storage of paper records, magnetic tape, and photographic film. Agencies may make arrangements through the General Services Administration (NC), Washington, DC 20408 for the transfer of indispensable records to this depository and for their use.

§ 101–11.410–5 Surveys of records available for transfer.

The appropriate regional National Archives and Records Service facility will conduct surveys of the records accumulations of field offices of those agencies

not operating approved records centers and recommend records to be transferred to Federal records centers. Such recommendations will be submitted to the field office concerned and to the National Archives and Records Service, GSA Central Office (NCO), for coordination with the appropriate agency headquarters. Surveys of records of agency headquarters normally will be made by the National Archives and Records Service, Central Office (NCO).

§ 101–11.410–6 Release of equipment.

File equipment received with the transfer of records to a Federal records center will normally be disposed of in accordance with applicable excess personal property regulations. An agency desiring return of the equipment should make such request prior to transfer of the records to the records center.

§ 101–11.410–7 Servicing transferred records.

* * * * *

(b) Requests for official civilian personnel files shall be made in accordance with § 101–11.410–3(e).

* * * * *

§ 101–11.410–8 Disposal clearances.

Records at the National Personnel Records Center (Civilian Personnel Records), authorized for disposal by General Records Schedules 1 and 2, will be destroyed in accordance with those schedules without further agency clearance. No other records of a Federal agency still in existence will be disposed of by any Federal records center except with the concurrence of the agency concerned. Agency approval will be requested for each disposal action by use of GSA Form 439, Records Disposition Control (§ 101–11.4909), or its authorized equivalent, unless prior written concurrence has been given by the agency concerned.

13. Sections 101–11.411–1 and 101–11.411–2 are revised to read as follows:

§ 101–11.411–1 Authority.

The Administrator is authorized by 44 U.S.C. 2103 to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress that are determined by the Archivist to have sufficient historical or other value to warrant preservation.

§ 101–11.411–2 Transfers via Federal records centers.

Records will normally be transferred to the National Archives Building from a Federal records center or an approved agency records center. When such transfers are made, the agencies concerned will be furnished an inventory of the records transferred.

14. Section 101–11.411–3 is amended by revising the introductory text and paragraphs (b) and (c) to read as follows:

§ 101–11.411–3 Direct transfers.

The classes of Federal records listed in this section may be offered for direct transfer to the National Archives of the United States. Such transfers shall be initiated by Federal agencies by written request to the General Services Administration (NNA), Washington, D.C. 20408, specifying the nature and quantity of the records proposed for transfer. Existing arrangements for the transfer of records of the Congress will be continued.

* * * * *

(b) Records of the Congress.

(c) Records of the Supreme Court.

* * * * *

15. Section 101–11.411–5(a) is revised and § 101–11.411–5(b) is amended to read as follows:

§ 101–11.411–5 Use of records transferred to the National Archives.

(a) Restrictions lawfully imposed on the use of transferred records will be observed and enforced by the National Archives and Records Service subject to 44 U.S.C. 2104. The regulations in this Part 101–11 and in Part 105–61, insofar as they relate to the use of records in the research rooms of the National Archives Building or in a Federal records center, apply to official use of the records by Federal agencies as well as to the public.

(b) In instances of demonstrated need, and subject to any restrictions on their use, records deposited in the National Archives Building or in a Federal records center may be borrowed for official use outside the building in which they are housed by Federal agencies and the Congress, provided:

(1) Documents of exceptionally intrinsic value shall not be removed from the building in which they are housed except with the written approval of the Archivist.

* * * * *

16. Section 101–11.411–8(e) is revised to read as follows:

§ 101–11.411–8 Transfer of cartographic records.

* * * * *

(e) Records related to preparing, compiling, editing, or printing maps, such as projects folders containing specifications to be followed and appraisals of source materials to be used.

17. Section 101–11.412–1 is revised to read as follows:

§ 101–11.412–1 Authority.

Federal agencies are authorized to maintain and operate records centers for the storage, processing, and servicing of appropriate records when such centers are approved by the Administrator (44 U.S.C. 3103). Such centers operated by Federal agencies are referred to in this Part 101–11 as "agency records centers."

(Sec. 205(a), 63 Stat. 390, 40 U.S.C. 486(a); sec. 3302, 82 Stat. 1299, 44 U.S.C. 3302.)

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (11–3–71).

Dated: October 28, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–16010 Filed 11–2–71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Circular No. 2315]

PART 24—PRESERVATION, USE, AND MANAGEMENT OF FISH AND WILDLIFE RESOURCES

On page 14573 of the FEDERAL REGISTER of September 17, 1970, there was published a regulation which set forth the Department of the Interior's policy regarding cooperation with the various States in the preservation, use and management of the Nation's fish and wildlife resources. The purpose of this amendment is to codify this regulation as Part 24, Subtitle A, Title 43 of the Code of Federal Regulations.

It is the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in rule making except where such participation would be impracticable, unnecessary or contrary to the public interest and specific finding to this effect is published with rules or regulations (36 F.R. 8336, May 4, 1971). Public participation is unnecessary in this case since existing regulations are simply being codified.

A new Part 24 is added to Subtitle A, Title 43 of the Code of Federal Regulations to read as follows:

Sec.
24.1 Policy.
24.2 Cooperation with States.
24.3 Procedures.
24.4 Exemptions.
24.5 Hunting, fishing, trapping in National Park System.
24.6 Cooperative agreements.

AUTHORITY: The provisions of this Part 24 issued under 43 U.S.C. 1201.

§ 24.1 Policy.

The Secretary of the Interior recognizes that fish and wildlife resources must be maintained for their aesthetic, scientific, recreation, and economic importance to the people of the United States, and that because fish and wildlife populations are totally dependent upon their habitat, the several States and the Federal Government must work in harmony for the common objective of developing and utilizing these resources. It is the policy of the Secretary of the Interior further to strengthen and support, to the maximum extent possible, the missions of the States and the Department of the Interior in the attainment of this objective.

§ 24.2 Cooperation with States.

The effective husbandry of such resources requires the cooperation of State and Federal Government because:

(a) The several States have the authority to control and regulate the capturing, taking, and possession of fish and resident wildlife by the public within State boundaries;

(b) The Congress, through the Secretary of the Interior, has authorized and

directed to various Interior agencies certain responsibilities for the conservation and development of fish and wildlife resources and their habitat.

§ 24.3 Procedures.

The following procedures will apply to all areas administered by the Secretary of the Interior through the National Park Service, Bureau of Sport Fisheries and Wildlife, Bureau of Land Management, and Bureau of Reclamation (hereinafter referred to as the Federal agencies). These Federal agencies will:

(a) Within their statutory authority, institute fish and wildlife habitat management practices in cooperation with the States which will assist the States in accomplishing their respective, comprehensive, statewide resource plans;

(b) Permit public hunting, fishing, and trapping within statutory limitations and in a manner compatible with the primary objectives for which the lands are administered. Such hunting, fishing, and trapping and the possession and disposition of fish, game, and fur animals shall be conducted in all other respects within the framework of applicable State laws, including requirements for the possession of appropriate State licenses or permits. The Federal agencies may, after consultation with the States, close all or any portion of land under their jurisdiction to public hunting, fishing, or trapping in order to protect the public safety or to prevent damage to Federal lands or resources thereon, and may impose such other restrictions as are necessary to comply with management objectives;

(c) Consult with the States and comply with State permit requirements in connection with the activities listed below, except in instances where the Secretary of the Interior determines that such compliance would prevent him from carrying out his statutory responsibilities:

(1) In carrying out research programs involving the capturing, taking, or possession of fish and wildlife or programs involving introduction of fish and wildlife;

(2) For the planned and orderly removal of surplus or harmful populations of fish and wildlife except where emergency situations requiring immediate action make such consultation and compliance with State permit requirements infeasible;

(3) In the disposition of fish and wildlife taken under subparagraph (1) or (2) of this paragraph.

§ 24.4 Exemptions.

Exempted from this regulation are the following:

(a) The control and regulation by the United States, in the area in which an international convention or treaty applies, of the taking of those species and families of fish and wildlife expressly named or otherwise covered under any international treaty or convention to which the United States is a party;

(b) Any species of fish and wildlife control over which has been ceded or granted to the United States by any State;

(c) Areas over which the States have ceded exclusive jurisdiction to the United States.

§ 24.5 Hunting, fishing, trapping in National Park System.

Nothing contained herein shall be construed as permitting public hunting, fishing, or trapping on National Parks, Monuments, or Historic areas of the National Parks System, except where Congress or the Secretary of the Interior has otherwise declared that hunting, fishing, or trapping is permissible.

§ 24.6 Cooperative agreements.

The Federal agencies and States will enter into written cooperative agreements containing the plans, terms, and conditions of each party in carrying out the intent of this regulation when such agreements are desired by the States. Such agreements will be reviewed periodically by both parties and, when appropriate, adjusted to reflect changed conditions.

Effective date. This amendment shall become effective on December 2, 1971.

W. T. PECORA,
Under Secretary of the Interior.

OCTOBER 27, 1971.

[FR Doc.71-15988 Filed 11-2-71;8:47 am]

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT: GENERAL

[Circular No. 2314]

PART 3100—OIL AND GAS LEASING

Subpart 3108—Terminations and Expirations

EXCEPTIONS TO AUTOMATIC TERMINATIONS AND REINSTATEMENT OF TERMINATED LEASES

On page 2871 of the FEDERAL REGISTER of February 11, 1971, there was published a notice and text of a proposed rule making to amend Subpart 3108 of Title 43 CFR. The purpose of the amendment is to implement the Act of May 12, 1970 (84 Stat. 206), which modifies section 31 of the Mineral Leasing Act (30 U.S.C. 181) as amended, by providing (1) that the automatic termination provisions do not operate under certain circumstances and (2) for reinstatement of terminated leases under certain conditions.

Interested persons were given 30 days within which to submit comments, suggestions or objections to the proposed amendment. Eight comments were received. All endorsed the proposal and suggested editorial changes.

One suggested a change to make it clear that the regulation applies to leases issued prior to July 29, 1954, where the lessee has filed a consent to subject the lease to the automatic termination provisions of the Act of July 29, 1954. The regulations have been so revised.

Two suggested adding the phrase "resulting in a deficiency" after the word "error" in line 12, paragraph (b), § 3108.2-1 to conform with the language of the Act. This has been done.

Three suggested that footnote 1, permitting a secretarial officer to recognize as nominal a deficiency greater than that provided for in the regulations, be deleted. In order that there will be no doubt as to what constitutes a nominal deficiency, the footnote has been deleted.

One suggested that the regulations be revised to allow the lessee 15 days from the date of receipt of notice of deficiency or until due date, whichever is later, to submit the balance of the rental due. The recommendation has been adopted to make it clear that the due date is controlling where after receipt of the notice of deficiency, more than 15 days remain in the life of the lease.

Three suggested that it should be made clear that notices of termination will not be sent to persons whose leases terminated prior to the date of the Act, May 12, 1970. The regulations now include this provision.

One suggested that the definition of "reasonable diligence" be expanded. The regulations have been revised to broaden what constitutes reasonable diligence so as to permit such a finding in special circumstances even when the lessee has not sent or delivered payments in advance of the due date.

One suggested that the Secretary's discretionary authority to issue oil and gas leases be stated. This has been done.

Three suggested that the regulations fix a definite period of time during which no new leases would be issued for lands in terminated leases as provided for in the amendatory legislation. The regulations have been revised to provide that a new lease for lands in a terminated lease shall not be issued until 90 days after the date of termination.

The revised regulation as set forth below will become effective upon publication in the FEDERAL REGISTER. (11-3-71)

Section 3108.2-1 of Subpart 3108, Chapter II of Title 43 of the Code of Federal Regulations is amended to read as follows:

§ 3108.2-1 Automatic terminations and reinstatement.

(a) *Automatic terminations.* Except as provided in paragraph (b) of this section, any lease subject to the provisions of section 31 of the act, as amended by section 1(7) of the Act of July 29, 1954 (30 U.S.C. 188) on which there is no well capable of producing oil or gas in paying quantities, shall automatically terminate by operation of law if the lessee fails to pay the rental on or before the anniversary date of such lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The termination of the lease for failure to pay the rental must be noted on the official records of the appropriate land office. Upon such notation the lands included in such lease will become subject to the filing of new lease offers only as provided for in Subpart 3112.

(b) *Exceptions.* If the rental payment due under a lease is paid on or before its anniversary date but either the amount of the payment has been or is hereafter deficient and the deficiency is nominal as defined in this section, or the amount of payment made was determined in accordance with the rental or acreage figure stated in the lease or stated in a bill or decision rendered by an authorized officer and such figure is found to be in error resulting in a deficiency, such lease shall not have automatically terminated unless (1) a new lease had been issued prior to May 12, 1970, or (2) the lessee fails to pay the deficiency within the period prescribed in the Notice of Deficiency provided for in this section. A deficiency will be considered nominal if it is not more than $10 or five per centum (5 percent) of the total payment due, whichever is more. The authorized officer will send a Notice of Deficiency to the lessee on a form approved by the Director. The notice will be sent by certified mail, return receipt requested, and will allow the lessee 15 days from the date of receipt or until the due date, whichever is later, to submit the full balance due to the appropriate office. If the payment called for in the notice is not paid within the time allowed, the lease will have terminated by operation of the law as of its anniversary date.

(c) *Reinstatement.* (1) Except as hereinafter provided, the authorized officer may reinstate a terminated lease which has been or is hereafter terminated automatically by operation of law for failure to pay on or before the anniversary date the full amount of rental due, provided that (i) such rental was paid or tendered within 20 days thereafter, and (ii) it is shown to the satisfaction of the authorized officer that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee, and (iii) a petition for reinstatement, together with the required rental, including any back rental which has accrued from the date of termination of the lease, is filed with the appropriate office within 15 days after receipt of Notice of Termination of Lease due to late payment of rental. The Notice of Termination will be sent by certified mail, return receipt requested. Notices of Termination will not be sent to lessees whose leases terminated prior to May 12, 1970. Lessees whose leases terminated prior to May 12, 1970, must file petitions for reinstatement with the appropriate office by close of business on December 31, 1971. Such petitions are subject to all other appropriate provisions of this section.

(2) The burden of showing that the failure to pay on or before the anniversary date was justifiable or not due to lack of reasonable diligence will be on the lessee. Reasonable diligence normally requires sending or delivering payments sufficiently in advance of the anniversary date to account for normal delays in the collection, transmittal, and delivery of the payment. The authorized officer may require evidence, such as post office receipts, of the time of sending or delivery of payments.

(3) Under no conditions will a terminated lease be reinstated if (i) a valid oil and gas lease has been issued prior to the filing of petition for reinstatement affecting any of the lands covered by that terminated lease, or (ii) the Federal oil and gas interests in the lands have been withdrawn or disposed of, or have otherwise become unavailable for oil and gas leasing; however, the authorized officer will not issue a new lease for lands covered by a lease which terminates automatically until 90 days from the date of termination.

(4) Reinstatement of terminated leases is discretionary with the Secretary.

(d) *Extension of terms of reinstated leases.* In any case where a reinstatement of a terminated lease is granted under this section and the authorized officer finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the authorized officer may, at his discretion, extend the term of such lease for such period as he believes will give the lessee such an opportunity. Such extensions shall be subject to the following conditions:

(1) No extension shall exceed a period equivalent to the time (i) beginning when the lessee knew or should have known of the termination and (ii) ending on the date on which the authorized officer grants such petition.

(2) No extension shall exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination.

(3) When the reinstatement occurs after the expiration of the term or extension thereof, the lease may be extended from the date the authorized officer grants the petition.

(e) *Service of documents.* The rules governing filing and service of documents set out in § 1840.0–6(e) of this chapter shall apply to notices of deficiency and termination issued under the provisions of this section.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 27, 1971.

[FR Doc.71–15987 Filed 11–2–71;8:47 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5143]

[Oregon 3796 (Wash.)]

WASHINGTON

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

GIFFORD PINCHOT NATIONAL FOREST
WILLAMETTE MERIDIAN

Spirit Lake Recreation Area Addition

T. 9 N., R. 5 E.,
Sec. 1, E½ excepting Exchange Surveys 278, 279, and patented MS–781A.
T. 10 N., R. 5 E.,
Sec. 36, lots 1, 2, 3, NE¼NE¼, W½E½.
T. 9 N., R. 6 E.,
Sec. 6, W½ excepting Exchange Survey 278 and patented MS–781A;
Sec. 7, lots 3, 4, 5, 8, and 9, SE¼NW¼.
T. 10 N., R. 6 E.,
Sec. 31, lots 2, 3, 4, 9, and 10, NE¼NW¼.

The areas described aggregate approximately 1,099 acres in Skamania County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 27, 1971.

[FR Doc.71–15989 Filed 11–2–71;8:47 am]

[Public Land Order 5144]

[Arizona 036594]

ARIZONA

Restoration, Cancellation and Partial Revocation of Public Land

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to the determination of the Federal Power Commission in DA–147–Arizona, it is ordered as follows:

1. The Executive orders of July 2, 1910, June 16, 1911, and March 21, 1917, creating Powersite Reserves Nos. 96, 188, and 590, respectively, and the Departmental Order of February 1, 1917, creating Waterpower Designation No. 4, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 5 W.,
Sec. 14, SE¼SE¼;
Sec. 23, E½E½;
Sec. 24, W½W½;
Sec. 25, W½NW¼, SW¼SW¼, E½SW¼, SW¼SE¼;
Sec. 26, E½NE¼, NE¼SE¼.
T. 9 N., R. 3 W.,
Sec. 1, lot 4, SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 2, lot 1, SE¼NE¼, E½SE¼;
Sec. 11, E½E½, SE¼SW¼, NW¼SE¼, SW¼SE¼;
Sec. 14, E½NE¼, NE¼NW¼, NW¼SE¼;
Sec. 15, S½N½, N½S½;
Sec. 16, SW¼, NE¼SE¼, NW¼SE¼, S½SE¼;
Sec. 17, S½;
Sec. 18, lot 4, SE¼SW¼, E½SE¼, SW¼SE¼;
Sec. 19, lots 1 to 4, incl., E½, E½W½;
Sec. 20, N½, N½SW¼, SW¼SW¼;
Sec. 21, lots 1 and 2, N½NE¼, SW¼NE¼, NW¼, NE¼SW¼;
Sec. 22, NW¼NE¼, NW¼, NW¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, lots 1 to 4, incl., NE¼, E½W½, NE¼SE¼, W½SE¼;

Sec. 31, lots 2 to 5, incl., NW¼NE¼, NE¼NW¼.
T. 10 N., R. 3 W.,
Sec. 2, SW¼SE¼;
Sec. 22, lot 5;
Sec. 26, lots 1 to 3, inclusive, S½NE¼, SE¼NW¼, SE¼;
Sec. 35, E½.
T. 3 S., R. 17 E.,
Sec. 23, SE¼SE¼;
Sec. 24, S½NE¼, SE¼NW¼;
Sec. 27, SW¼NW¼;
Sec. 28, NE¼NE¼;
Sec. 35, NW¼NW¼.
T. 4 S., R. 22 E.,
All lands of the United States in unsurveyed portions of sections 2, 3, 4, 5, 9, 10, 11, 14, 15, and 16, situated in whole or in part within 1 mile of Gila River.

The areas described aggregate approximately 9,954 acres of public and nonpublic lands in Yavapai, Gila, Pinal, and Graham Counties.

2. Portions of the lands described above are withdrawn for the Hassayampa Reclamation Project by the Secretary's Order of September 14, 1945. The lands described in T. 3 S., R. 17 E., and T. 4 S., R. 22 E., are withdrawn by Executive orders of November 9, 1871, and December 6, 1926, and by the Secretary's order of September 19, 1934, respectively, for the White Mountain Indian Reservation, the San Carlos Indian Reservation, and the San Carlos Indian Irrigation Project.

3. At 10 a.m. on December 2, 1971, the unreserved and unappropriated public lands shall be open to operation of the public land laws, subject to valid existing rights, the requirements of applicable law, and the provisions of existing withdrawals. All valid applications received at, or prior to 10 a.m. on December 2, 1971, shall be considered as filed simultaneously at that time. Those received thereafter shall be considered in the order of filing.

These public lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws.

Inquiries concerning the lands shall be addressed to the Chief, Division of Technical Services, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

HARRISON LOESCH,
Assistant Secretary of the Interior.

OCTOBER 27, 1971.

[FR Doc.71-15990 Filed 11-2-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 260—INSPECTION AND CERTIFICATION

Fishery Products

On pages 8688 through 8693 of the FEDERAL REGISTER of May 11, 1971, there was published a notice of proposed revisions of certain sections of Part 260 of Title 50 CFR.

Interested persons were given 45 days to submit written comments, suggestions, or objections with respect to the proposed amendments pertaining to the following subject matter:

1. Administration of regulations.
2. Definitions.
3. Fees and charges.
4. Requirements for official establishments under fishery products inspection on a contract basis.

Several comments were received regarding the proposed amendments, and changes have been made in various sections based upon comments received. All changes of a substantive nature which were incorporated pertained to §§ 260.96 through 260.103 dealing with requirements for official establishments utilizing fishery products inspection services on a contract basis.

The changes relating to requirements for official establishments under fishery products inspection on a contract basis reflect incorporation of most of the provisions contained in the contract form currently used. Additional modifications have been made in some of the current sections by updating certain requirements to the present state of technological accomplishment. Other changes have been made to more closely align plant sanitation requirements with regulations issued pursuant to the Food, Drug, and Cosmetic Act, as amended.

These amendments of various sections of Part 260 of Title 50 CFR are issued pursuant to sections 203 and 205 of Title II of the Agricultural Marketing Act of 1946, 60 Stat. 1087, 1090, as amended, 7 U.S.C. sections 1622 and 1624, as transferred to the Department of the Interior by section 6 of the Fish and Wildlife Act of 1956, 70 Stat. 1122, as amended, 16 U.S.C. section 742e and subsequently transferred to the Department of Commerce.

This latter transfer was effected by Reorganization Plan No. 4 of 1970 (84 Stat. 2090), which, among other things, abolished the Bureau of Commercial Fisheries in the Department of the Interior and transferred its functions, including the fishery inspection function dealt with in these regulations, to the Department of Commerce.

The amendments to the designated sections of Part 260 of Title 50 CFR are hereby adopted as set forth below and shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

HOWARD POLLOCK,
Acting Administrator.

ROBERT W. SCHONING,
Acting Director,
National Marine Fisheries Service.

OCTOBER 28, 1971.

ADMINISTRATION OF REGULATIONS

1. Section 260.1 is amended as follows:

§ 260.1 Administration of regulations.

The Secretary of Commerce is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the National Marine Fisheries Service of the Department in his discretion.[1]

DEFINITIONS

2. In § 260.6, the terms "department," "director," and "inspection service" are amended; the term "plant" is deleted; and "establishment," "official establishment," and "wholesome" are added.

§ 260.6 Terms defined.

* * * * *

Department. "Department" means the U.S. Department of Commerce.

* * * * *

Director. "Director" means the Director of the National Marine Fisheries Service.

* * * * *

Establishment. "Establishment" means any premises, buildings, structures, facilities, and equipment (including vehicles) used in the processing, handling, transporting, and storage of fish and fishery products.

* * * * *

Inspection service. "Inspection service" means:

* * * * *

(d) Performance by an inspector of any related services such as to observe the preparation of the product from its raw state through each step in the entire process; or observe conditions under which the product is being harvested, prepared, handled, stored, processed, packed, preserved, transported, or held; or observe sanitation as a prerequisite to the inspection of the processed product, either on a contract basis or periodic basis; or checkload the inspected processed product in connection with the marketing of the product, or any other type of service of a consultative or advisory nature related herewith.

* * * * *

Official establishment. "Official establishment" means any establishment which has been approved by National Marine Fisheries Service, and utilizes inspection service on a contract basis.

* * * * *

Wholesome. "Wholesome" means the minimum basis of acceptability for human food purposes, of any fish or fishery

[1] All functions of the Department of Agriculture which pertain to fish, shellfish, and any products thereof, now performed under the authority of Title II of the act of August 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627) including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by the Director of the Budget (23 F.R. 2304) pursuant to section 6(a) of the act of Aug. 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U.S.C. sec. 742e). Reorganization Plan No. 4 of 1970 (84 Stat. 2090) transferred, among other things, such functions from the U.S. Department of the Interior to the U.S. Department of Commerce.

product as defined in section 402 of the Federal Food, Drug, and Cosmetic Act, as amended.

FEES AND CHARGES

3. Section 260.69 is amended as follows:

§ 260.69 Payment of fees and charges.

Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, an advance of funds prior to rendering inspection service in an amount suitable to the Secretary, or a surety bond suitable to the Secretary, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service, performed pursuant to the regulations in this part shall be paid by check, draft, or money order made payable to the National Marine Fisheries Service. Such check, draft, or money order shall be remitted to the appropriate regional or area office serving the geographical area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Secretary, in which latter event the contract provisions shall apply.

4. Section 260.70 is amended as follows:

§ 260.70 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any other agency or instrumentality thereof, shall be in accordance with the applicable provisions of this section and § 260.81.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) *Type I—Official Establishment and Product Inspection.* Contract basis.

	Per hour
Regular Time	$9.80
Overtime	11.05
Legal Holidays (2 hour minimum)	20.00

The contracting party shall be charged at an hourly rate of $9.80 per hour for regular time, $11.05 per hour for overtime in excess of 40 hours per week, and $20 per hour for national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

(2) *Type II—Lot Inspection—Officially and unofficially drawn samples.*

	Per hour
Regular Time	$13.25
Overtime	16.25
Saturday, Sunday, and Holiday	20.75
Minimum fee	8.50

For lot inspection services performed between the hours of 7 a.m. and 5 p.m. of any regular workday—$13.25 per hour.

For lot inspection services performed between the hours of 5 p.m. and 7 a.m. of any regular workday—$16.25 per hour.

For lot inspection services performed on Saturday, Sunday, and national legal holidays—$20.75 per hour.

The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be $8.50.

(3) *Type III—Miscellaneous Inspection and Consultative Service.* When any inspection or related service, such as, but not limited to, initial and final establishment surveys, appeal inspection, sanitation evaluation, sampling, product evaluation, and label and product specification review rendered is such that charges based on the foregoing sections are clearly inapplicable, charges will be based on time consumed by the inspector in performance of such inspection related service at the rates set forth in paragraph (b)(2) of this section for lot inspection.

(c) Fees to be charged and collected for lot, miscellaneous, and consultative inspection service furnished on an hourly basis shall be based on the actual time required to render such service including, but not limited to, the travel, sampling, and waiting time required of the inspector or inspectors, in connection therewith.

(d) Analytical services: Fees for various laboratory analyses are set forth below.

Type of analysis	*Fee per individual analysis*
Hydrogen Ion Concentration	$2.85
Moisture (drying method)	4.60
Fat	6.90
Protein	17.10
Salt	11.50
Bacteriological plate count	4.60
Bacteriological direct count	4.60
E. coli (presumptive)	6.90
Yeast and mold count	4.60
Staphylococcus	13.80
Salmonella:[1]	
Step 1	9.20
Step 2	4.60
Step 3	9.20
Coliform	4.60
Species determination	20.00

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; Step 2—growth and testing through triple-sugar-iron agar; Step 3—confirmatory test through biochemicals.

(1) Applicants requesting specific analysis will be charged on the basis of these fees. Charges based on these fees will be in addition to any hourly rates charged to applicants for lot miscellaneous and consultative inspection service as well as to any hourly rates charged for inspection services provided under a contract at official establishments.

(2) Fees to be charged for any analysis performed at a Government laboratory not specifically shown in this paragraph (d) will be based on the time required to perform such analysis at an hourly rate of $11.

(3) A surcharge of 10 percent of the total charges for analytical services will be charged for administrative purposes.

5. Section 260.71 is amended as follows:

§ 260.71 Inspection services performed on a resident basis.

* * * * *

(b) A charge to cover the actual cost to the NMFS of the travel (including the cost of movement of household goods and dependents), and per diem with respect to each inspector who is transferred (other than for the convenience of the NMFS), from an official station to the designated official establishment(s).

(c) A charge of $13.25 per hour plus actual costs to the NMFS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, but not limited to, initial plant surveys and inauguration of inspection service.

§ 260.76 [Deleted]

6. Section 260.76 is deleted.

7. Section 260.80 is amended as follows:

§ 260.80 Charges for inspection service on a contract basis.

Irrespective of fees and charges prescribed in the foregoing sections, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with any administrative agency charged with the administration of a marketing order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as revised (16 U.S.C. 661 et seq.) for the making of inspections pursuant to said agreement or order on such basis as will reimburse the National Marine Fisheries Service of the Department for the full cost of rendering such inspection service as may be determined by the Secretary. Likewise, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with an administrative agency charged with the administration of a similar program operated pursuant to the laws of any State.

REQUIREMENTS FOR OFFICIAL ESTABLISHMENTS UNDER FISHERY PRODUCTS INSPECTION ON A CONTRACT BASIS[6]

8. Section 260.97, Plant survey, through § 260.103, Personnel; health, are deleted

[6] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such establishments and operations.

and are replaced by § 260.96, Application for Fishery Products Inspection Service on a contract basis, through § 260.104, Personnel, as follows:

§ 260.96 Application for Fishery Products Inspection Service on a contract basis at official establishments.

Any person desiring to process and pack products in an establishment under fishery products inspection service on a contract basis, must receive approval of such buildings and facilities as an official establishment prior to the inauguration of such service. An application for inspection service to be rendered in an establishment shall be approved according to the following procedure:

(a) Initial survey: When application has been filed for inspection service as aforesaid, NMFS inspector(s) shall examine the buildings, premises, and facilities according to the requirements of the fishery products inspection service and shall specify any additional facilities required for the service.

(b) Final survey and establishment approval: Prior to the inauguration of the fishery products inspection service, a final survey of the buildings, premises, and facilities shall be made to verify that the buildings are constructed and facilities are in accordance with the approved drawings and the regulations in this part.

(c) Drawings and specifications of new construction or proposed alterations of existing official establishments shall be furnished to the Director in advance of actual construction for prior approval with regard to compliance with requirements for facilities.

§ 260.97 Conditions for providing fishery products inspection service at official establishments.

(a) The determination as to the inspection effort required to adequately provide inspection service at any establishment will be made by NMFS. The man-hours required may vary at different official establishments due to factors such as, but not limited to, size and complexity of operations, volume and variety of products produced, and adequacy of control systems and cooperation. The inspection effort requirement may be reevaluated when the contracting party or NMFS deems there is sufficient change in production, equipment and change of quality control input to warrant reevaluation. Inspectors will not be available to perform any of employee or management duties, however, they will be available for consultation purposes. NMFS reserves the right to reassign inspectors as it deems necessary.

(b) NMFS shall not be held responsible:

(1) For damages occurring through any act of commission or omission on the part of its inspectors when engaged in performing services; or

(2) For production errors, such as processing temperatures, length of process, or misbranding of products; or

(3) For failure to supply enough inspection effort during any period of service.

(c) The contracting party will:

(1) Use only wholesome raw material which has been handled or stored under sanitary conditions and is suitable for processings; maintain the official establishment(s), designated on the contract in such sanitary condition and to employ such methods of handling raw materials for processing as may be necessary to conform to the sanitary requirements prescribed or approved by NMFS;

(2) Adequately code each primary container and master case of products sold or otherwise distributed from a manufacturing, processing, packing, or repackaging activity to enable positive lot identification to facilitate, where necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use;

(3) Not permit any labels on which reference is made to Federal inspection, to be used on any product which is not packed under fishery products inspection service nor permit any labels on which reference is made to any U.S. Grade to be used on any product which has not been officially certified as meeting the requirements of such grade; nor supply labels bearing reference to Federal inspection to another establishment unless the products to which such labels are to be applied have been packed under Federal inspection at an official establishment;

(4) Not affix any label on which reference is made to Federal inspection to any container of processed foods, produced in any designated official establishment, with respect to which the grade of such product is not certified because of adulteration due to the presence of contaminants in excess of limits established in accordance with the regulations or guidelines issued pursuant to the Food, Drug, and Cosmetic Act, as amended;

(5) Not, with respect to any product for which U.S. Grade Standards are in effect, affix any label on which reference is made to Federal inspection to any container of processed food which is substandard: *Provided,* That such label may be affixed to any container of such substandard quality product if such label bears a statement to indicate the substandard quality;

(6) Not, with respect to any product for which U.S. Grade Standard are not in effect, affix any label on which reference is made to the Federal inspection to containers of processed foods, except with the approval of NMFS;

(7) Furnish such reports of processing, packaging, grading, laboratory analyses, and output of products inspected, processed, and packaged at the designated official establishment(s) as may be requested by NMFS, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942;

(8) Make available for use by inspectors, adequate office space in the designated official establishment(s) and furnish suitable desks, office equipment, and files for the proper care and storage of inspection records;

(9) Make laboratory facilities and necessary equipment available for the use of inspectors to inspect samples of processed foods and/or components thereof;

(10) Furnish and provide laundry service, as required by NMFS, for coats, trousers, smocks, and towels used by inspectors during performance of duty in official establishment(s);

(11) Furnish stenographic and clerical assistance as may be necessary in the typing of certificates and reports and the handling of official correspondence, as well as furnish the labor incident to the drawing and grading of samples and other work required to facilitate adequate inspection procedures whenever necessary;

(12) Submit to NMFS, three (3) copies of new product specifications in a manner prescribed by NMFS, and three (3) end-product samples for evaluation and/or laboratory analysis on all products for approval, for which U.S. Grade Standards are not available, when inspection is to be applied to such products. If requested of NMFS, such new specifications and end-product samples shall be considered confidential;

(13) Submit, as required by NMFS, for approval, proofs prior to printing and thereafter four (4) copies of any finished label which may or may not bear official identification marks, when such products are packed under federal inspection on a contract basis;

(14) Not make deceptive, fraudulent, or unauthorized use in advertising, or otherwise, of the fishery products inspection service, the inspection certificates or reports issued, or the containers on which official identification marks are embossed or otherwise identified, in connection with the sale of any processed products;

(15) Submit to NMFS, four (4) copies of each label which may or may not bear official identification marks, when such labels are to be withdrawn from inspection or when approved labels are disapproved for further use under inspection;

(16) Notify NMFS in advance of the proposed use of any labels which require obliteration of any official identification marks, and all reference to the inspection service on approved labels which have been withdrawn or disapproved for use;

(17) Accord representatives of NMFS at all reasonable times free and immediate access to establishment(s) and official establishment(s) under applicant's control for the purpose of checking codes, coded products, coding devices, coding procedures, official identification marks obliteration, and use of withdrawn or disapproved labels.

(d) Termination of inspection services:

(1) The fishery products inspection service, including the issuance of inspection reports, shall be rendered from the date of the commencement specified in the contract and continue until suspended or terminated (i) by mutual consent; (ii) by either party giving the other party sixty (60) days' written notice specifying the date of suspension or

termination; (iii) by one (1) day's written notice by NMFS in the event the applicant fails to honor any invoice within ten (10) days after date of receipt of such invoice covering the full costs of the inspection service provided, or in the event the applicant fails to maintain its designated plants in a sanitary condition or to use wholesome raw materials for processing as required by NMFS, or in the event the applicant fails to comply with any provisions of the regulations contained in this part, (iv) by automatic termination in case of bankruptcy, closing out of business, or change in controlling ownership.

(2) In case the contracting party wishes to terminate the fishery products inspection service under the terms of paragraph (d) (1) (i) or (ii) of this section, either the service must be continued until all unused containers, labels, and advertising material on hand or in possession of his supplier bearing official identification marks, or reference to fishery products inspection service have been used, or said containers, labels, and advertising material must be destroyed, or official identification marks, and all other reference to the fishery products inspection service on said containers, labels, advertising material must be obliterated, or assurance satisfactory to NMFS must be furnished that such containers, labels, and advertising material will not be used in violation of any of the provisions of the regulations in the part.

(3) In case the fishery products inspection service is terminated for cause by NMFS under the terms of subparagraph (1) (iii) of this paragraph, or in case of automatic termination under terms of subparagraph (1) (iv) of this paragraph, the contracting party must destroy all unused containers, labels, and advertising material on hand bearing official identification marks, or reference to fishery products inspection service, or must obliterate official identification marks, and all reference to the fishery products inspection service on said containers, labels and advertising material.

After termination of the fishery products inspection service, NMFS may, at such time or times as it may determine to be necessary, during regular business hours, enter the establishment(s) or other facilities in order to ascertain that the containers, labels, and advertising material have been altered or disposed of in the manner provided herein, to the satisfaction of NMFS.

§ 260.98 Premises.

The premises about an official establishment shall be free from conditions which may result in the contamination of food including, but not limited to, the following:

(a) Strong offensive odors;

(b) Improperly stored equipment, litter, waste, refuse, and uncut weeds or grass within the immediate vicinity of the buildings or structures that may constitute an attractant, breeding place, or harborage for rodents, insects, and other pests;

(c) Excessively dusty roads, yards, or parking lots that may constitute a source of contamination in areas where food is exposed;

(d) Inadequately drained areas that may contribute contamination to food products through seepage or foot-borne filth and by providing a breeding place for insects or micro-organisms;

If the grounds of an official establishment are bordered by grounds not under the official establishment operator's control of the kind described in paragraphs (b) through (d) of this section, care must be exercised in the official establishment by inspection, extermination, or other means to effect exclusion of pests, dirt, and other filth that may be a source of food contamination.

§ 260.99 Buildings and structures.

The buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not limited to the following requirements:

(a) Lighting: There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted, and (2) to provide for efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation. Light bulbs, fixtures, skylights, or other glass suspended over exposed food in any step of preparation shall be of the safety type or otherwise protected to prevent food contamination in case of breakage.

(b) Ventilation: There shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Director may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) Drains and gutters: All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick runoff of all water from official establishment buildings, and surface water around buildings and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard. Tanks or other equipment whose drains are connected to the waste system must have such screens and vacuum breaking devices affixed so as to prevent the entrance of waste water, material, and the entrance of vermin to the processing tanks or equipment.

(d) Water supply: There shall be ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout buildings, and (2) protection against contamination and pollution.

Sea water of safe suitable and sanitary quality may be used in the processing of various fishery products when approved by NMFS prior to use.

(e) Construction: Roofs shall be weathertight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material, shall have good surface drainage, and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Processing rooms: Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectional odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Prevention of animals and insects in official establishment(s): Dogs, cats birds, and other animals (including, but not being limited to rodents and insects) shall be excluded from the rooms from which processed products are being prepared, handled, or stored and from any rooms from which ingredients (including, but not being limited to salt, sugar, spices, flour, batter, breading, and fishery products) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of chemical compounds such as cleaning agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product. The use of such compounds shall be limited to those circumstances and conditions as approved by NMFS.

(h) Inspector's office: Furnished suitable and adequate office space, including, but not being limited to, light, heat, and janitor service shall be provided rent free in official establishments for use for official purposes by the inspector and NMFS representatives. The room or rooms designated for this purpose shall meet with the approval of NMFS and shall be conveniently located, properly ventilated, and provided with lockers or cabinets suitable for the protection and storage of inspection equipment and supplies and with facilities suitable for inspectors to change clothing.

(i) Adequate parking space, conveniently located, for private or official vehicles used in connection with providing inspection services shall be provided.

§ 260.100 Facilities.

Each official establishment shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) Containers approved for use as containers for processed products shall not be used for any other purpose.

(b) No product or material not intended for human food or which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any fishery product is manufactured, processed, handled, or stored.

(c) Suitable facilities for cleaning and sanitizing equipment (e.g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers) shall be provided at convenient locations throughout the plant.

§ 260.101 Lavatory accommodations.

Modern lavatory accommodations, and properly located facilities for cleaning and sanitizing utensils and hands, shall be provided.

(a) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water (135° F. or more) and cold water, soap, and single service towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places as may be essential to the cleanliness of all personnel handling products.

(b) Sufficient containers with covers shall be provided for used towels and other wastes.

(c) An adequate number of hand washing facilities serving areas where edible products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.

(d) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash hands before returning to work.

(e) Toilet facilities shall be provided according to the following formula:

Number of persons:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1]3
56 to 80, inclusive	[1]4
For each additional 30 persons in excess of 80	[1]1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls required.

All toilet equipment shall be kept operative, in good repair, and in a sanitary condition.

§ 260.102 Equipment.

All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging, and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of smooth impermeable corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition. Such equipment shall be cleaned and sanitized at a frequency as is necessary or required in accordance with Good Manufacturing Practice Regulations, 21 CFR, Part 128.

§ 260.103 Operations and operating procedures shall be in accordance with an effective sanitation program.

(a) All operators in the receiving, transporting, holdings, segregating, preparing, processing, packaging, and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as possible and at temperatures that will inhibit and retard the growth of bacterial and other micro-organisms and prevent any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products, raw materials, ingredients, and components thereof shall be subject to inspection during each manufacturing or processing operation. To assure a safe, wholesome finished product, changes in processing methods and procedures as may be required by the Director shall be effectuated as soon as practicable. All processed products which are not manufactured or prepared in accordance with the requirements contained in § 260.96 to § 260.104 or are unwholesome or otherwise not fit for human food shall be removed and segregated prior to any further processing operation.

(c) Official establishments operating under Federal inspection should have an effective quality control program as appropriate for the nature of the products and processing operations.

(d) All ingredients used in the manufacture or processing of any processed product shall be wholesome and fit for human food.

(e) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in official establishment(s) shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed and sanitized before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products.

(f) Retention tags: (1) Any equipment such as, but not limited to, conveyors, fillers, sorters, choppers, and containers which fail to meet appropriate and adequate sanitation requirements will be identified by the inspector in an appropriate and conspicuous manner with the word "RETAINED." Following such identification, the equipment shall not be used until the discrepancy has been resolved, the equipment reinspected and approved by the inspector and the "RETAINED" identification removed by the inspector.

(2) Lot(s) of processed products that may be considered to be mislabeled and/or unwholesome by reason of contaminants or which may otherwise be in such condition as to require further evaluation or testing to determine that the product properly labeled and/or wholesome will be identified by the inspector in an appropriate and conspicuous manner with the word "RETAINED." Such lot(s) of product shall be held for reinspection or testing. Final disposition of the lot(s) shall be determined by NMFS and the removal of the "RETAINED" identification shall be performed by the inspector.

§ 260.104 Personnel.

The establishment management shall be responsible for taking all precautions to assure the following:

(a) *Disease control.* No person affected by disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contamination, shall work in a food plant in any capacity in which there is a reasonable possibility of food ingredients becoming contaminated by such person, or of disease being transmitted by such person to other individuals.

(b) *Cleanliness.* All persons, while working in direct contact with food preparation, food ingredients, or surfaces coming into contact therewith shall:

(1) Wear clean outer garments, maintain a high degree of personal cleaniness, and conform to hygienic practices while on duty, to the extent necessary to prevent contamination of food products.

(2) Wash and sanitize their hands thoroughly to prevent contamination by undesirable microorganisms before starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated.

(3) Remove all insecure jewelry and, when food is being manipulated by hand, remove from hands any jewelry that cannot be adequately sanitized.

(4) If gloves are used in food handling, maintain them in an intact, clean, and sanitary condition. Such gloves shall be of an impermeable material except where their usage would be inappropriate or incompatible with the work involved.

(5) Wear hair nets, caps, masks, or other effective hair restraints. Other persons that may incidentally enter the processing areas shall comply with this requirement.

(6) Not store clothing or other personal belongings, eat food, drink beverages, chew gum, or use tobacco in any form in areas where food or food ingredients are exposed or in areas used for washing equipment or utensils.

(7) Take any other necessary precautions to prevent contamination of foods with microorganisms or foreign substances including, but not limited to perspiration, hair, cosmetics, tobacco, chemicals, and medicants.

(c) *Education and training.* Personnel responsible for identifying sanitation failures or food contamination should have a background of education or experience, or a combination thereof, to provide a level of competency necessary for production of clean wholesome food. Food handlers and supervisors should receive appropriate training in proper food-handling techniques and food-protection principles and should be cognizant of the danger of poor personal hygiene and unsanitary practices, and other vectors of contamination.

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Proposed Rule Making

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1710]

[Docket No. R-71-149]

LAND REGISTRATION

Notice of Proposed Rule Making

On February 24, 1971, the Department published a proposed revision of 24 CFR Part 1710 providing registration requirements under the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701). Various comments were received and on August 16 and 17, 1971, informal hearings were held in accordance with a notice published in the FEDERAL REGISTER on August 5, 1971.

Upon consideration of the comments filed and the statements of record presented at the hearings, certain substantive modifications, editorial clarifications, and changes of format are being considered, the principal of which are as follows:

In § 1710.1, new definitions of "Exemption determination," "Exemption order," "Property Report," and "Sale" are included and the former definition of "Unimproved land" is deleted.

Section 1710.2 gives the official address of the Office of Interstate Land Sales Registration.

Former § 1710.10 is now divided into four separate sections: §§ 1710.10, 1710.11, 1710.12, and 1710.14, distinguishing respectively between statutory exemptions not requiring an advisory opinion, statutory exemptions which require a determination, regulatory exemptions not requiring an opinion, and a special exemption category concerning limited offerings that include sale of lots primarily in intrastate commerce.

Section 1710.15 provides more detailed information on preparing and filing requests for "Exemption advisory opinions."

Section 1710.17 is being added to provide that after the issuance of a favorable exemption advisory opinion a Statement of Record shall be considered ineffective and deemed withdrawn unless the developer notifies the Secretary to the contrary.

A new § 1710.18 clarifies the effect of a no-action letter determination.

Section 1710.20 is simplified to cover only the form and filing requirements for Statements of Record and Property Reports, while a new § 1710.21 prescribes the basis for determining the effective dates for Statements of Record and amendments, and a new § 1710.22 provides for filing of consolidated Statements of Record.

Section 1710.25 is revised to describe, in general, acceptance by the Office of Interstate Land Sales Registration of materials filed with agencies of certain States, § 1710.26 lists these State agencies and authorities, and § 1710.27 provides for consolidation and amendment of materials filed with the agencies.

Section 1710.30, which requires amendment of the Statement of Record if a material change occurs in any represented fact, is simplified, and § 1710.32 provides that the use of Property Reports which contain any material misrepresentation or omission of fact is unauthorized.

Section 1710.35 is now in tabular form to avoid possible confusion in the computation of fees.

Section 1710.50 is being added to provide that currently effective Statements of Record and Property Reports must be amended before April 1, 1972, to comply with these regulations.

Section 1710.101 is amended to reflect the redesignation of former § 1710.10(j), "exemption" as § 1710.11.

Section 1710.102, showing format for the Statement of Reservations, Restrictions, Taxes and Assessments, is revised, in part, to require under paragraph 1, "Reservations and Restrictions," that the developer furnish specific recording information whenever he refers to instruments of record.

Section 1710.105, giving instructions for preparing the Statement of Record, is revised to explain certain terms, e.g., water quality and purity, and is amended to require disclosures concerning unusual noise or safety factors and further disclosures with respect to ownership of recreational and common facilities, any arrangements or assurances for construction of such facilities, and taxes or assessments relating thereto.

Section 1710.110 provides more detailed instructions for preparation of the Property Report and lease addendum, emphasizing, in particular, disclosure of (1) legal conditions in the description of the land, (2) any potential risk of investment prior to sale, (3) any unusual noise or safety factor, and (4) adequacy of the potential water supply.

Section 1710.115 includes a new paragraph to inform recipients of the State Property Report Disclaimer that the Office of Interstate Land Sales Registration has relied upon and accepted determinations by a State.

Section 1710.125 is revised to require information filed in the heading of a full Statement of Record under § 1710.105 shall be filed in the same format in the case of partial Statements of Record filed under § 1710.125.

Inasmuch as certain of the proposed further revisions constitute substantive modification of the proposal as originally published, and particularly in view of the new proposal to require filing of updated Statements of Record by all registrants, the Department is providing for additional comment with respect to the revised proposal before adoption of a final rule.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and should be submitted in triplicate to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10256, 451 Seventh Street SW., Washington, DC 20410. All communications received on or before December 5, 1971, will be considered before taking action on the proposal. The proposals contained in this notice may be changed in the light of comments received. A copy of each submittal will be available for public inspection during business hours at the above address.

Accordingly, the proposed further revision of Part 1710 reads as follows:

Subpart A—General Requirements

Subpart B—Reporting Requirements

AUTHORITY: The provisions of this Part 1710 are issued under sec. 1419 of the Interstate Land Sales Full Disclosure Act, 82 Stat. 598; 15 U.S.C. 1718.

Subpart A—General Requirements

§ 1710.1 Definitions.

As used in this part:

(a) "Act" means the Interstate Land Sales Full Disclosure Act, 82 Stat. 590, 15 U.S.C. 1701, which became effective in its original form on April 28, 1969.

(b) "Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell, or a trust agreement, affecting a subdivision or affecting more than one lot offered within a subdivision, except that such term shall not include any lien or other encumbrance arising as the result of the imposition of any tax assessment by any public authority.

(c) "Date of filing" for the purpose of this part shall be considered to be the date of receipt by the Secretary of all required statements, materials, documents, and information when completed in the proper form and accompanied by the appropriate fee.

(d) "Developer" means any person who, directly or indirectly, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots in a subdivision.

(e) "Exemption advisory opinion" means the formal written decision of the Secretary, pursuant to §§ 1710.10 and 1710.12, stating whether or not a particular method of sale is exempt from the requirements of this part. Such decision shall be issued on the basis of an examination of the information submitted and will not be considered binding if such information is incomplete or inaccurate in any material respect.

(f) "Exemption determination" means the formal written decision of the Secretary stating whether or not a particular method of sale will meet the requirements of § 1710.11. Such decision shall be issued on the basis of an examination of the information submitted and will not be considered binding if such information is incomplete or inaccurate in any material respect.

(g) "Exemption order" means the formal written decision of the Secretary, pursuant to § 1710.14, to exempt any subdivision or any lots in a subdivision from the requirements of this part.

(h) "Interstate commerce" means trade or commerce among the several States.

(i) "Offer" means any inducement, solicitation, or attempt to encourage a person to acquire a lot in a subdivision.

(j) "OILSR" means the Office of Interstate Land Sales Registration.

(k) "Person" means an individual, or an unincorporated organization, partnership, association, corporation, trust, or estate.

(l) "Property Report" means the Property Report prescribed and accepted by the Secretary as to form and content.

(m) "Purchaser" means an actual or prospective purchaser or lessee of a lot in a subdivision.

(n) "Rules and regulations" refer to all rules and regulations adopted pursuant to the Act, including the general requirements and the report requirements published in this part.

(o) "Sale" and "Seller" include in their meanings "lease" and "lessor," respectively.

(p) "Secretary" means the Secretary of Housing and Urban Development or his duly authorized representatives.

(q) "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(r) "Subdivision" means any land which is divided or proposed to be divided into 50 or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan; and, where subdivided land is offered for sale or lease by a single developer or a group of developers acting in concert and where such land is contiguous or is known, designated, or advertised as a common unit or by a common name, such land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

§ 1710.2 Official address.

The official address of the Secretary for delivery of all mail, telegrams, information, filings, registration, and other material required by or relating to the Act or this chapter is:

Office of Interstate Land Sales Registration, HUD Building, 451 Seventh Street SW., Washington, DC 20411.

§ 1710.10 Statutory exemptions.

Unless a method of sale, lease, or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act, the requirements of this part shall not apply to:

(a) The sale or lease of real estate not pursuant to a common promotional plan to offer or sell 50 or more lots in a subdivision.

(b) The sale or lease of lots in a subdivision, all of which are 5 acres or more in size.

(c) The sale or lease of any lots on which there is a residential, commercial, or industrial building, or to the sale or lease of land under a contract obligating the seller to erect such a building thereon within a period of 2 years.

(d) The sale or lease of real estate under or pursuant to court order.

(e) The sale of evidences of indebtedness secured by a mortgage or deed of trust on real estate.

(f) The sale of securities issued by a real estate investment trust.

(g) The sale or lease of real estate by any government or government agency.

(h) The sale or lease of cemetery lots.

(i) The sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease of such lots to persons engaged in such business.

The foregoing exemptions are available where the particular factual circumstances of the sale or lease meet the express requirements of the exemption provision. No formal written decision is required, but an exemption advisory opinion pursuant to § 1710.15 may be obtained if desired.

§ 1710.11 Statutory exemptions—exemption determination required.

(a) The sale or lease of real estate shall be exempt from the requirements of this part if all of the following criteria are met:

(1) At the time of sale or lease the real estate is free and clear of all liens, encumbrances, and adverse claims.

(2) Each and every purchaser or his or her spouse shall have personally made an on-the-lot inspection of the real estate which he has purchased or leased prior to the signing of a contract to purchase or lease.

(3) The developer has filed with the Secretary a Claim of Exemption in the form of the affirmation set forth in § 1710.101 and has paid the required fee.

(4) The developer has obtained the Secretary's approval of a Statement of Reservations, Restrictions, Taxes, and Assessments, prepared in accordance with the instructions in § 1710.102.

(5) Prior to the time a purchaser signs a contract for sale or lease the developer shall have furnished to such purchaser a Statement of Reservations, Restrictions, Taxes, and Assessments and shall have obtained in writing the purchaser's acknowledgment of receipt of such statement.

(b) The developer shall file a copy of each acknowledged statement with the Secretary within 31 days after the expiration of the calendar year in which the sale or lease is made. If the developer has relied upon the provisions of paragraph (c)(1) of this section to establish the time of sale, he shall file with each acknowledged statement a copy of the applicable contract of sale. Such copies shall be bound in alphabetical order and indexed by purchaser surname. Each bound volume shall contain only such copies as are applicable to a single subdivision and shall be identified on the outer cover by the name and location of the subdivision and the number assigned by OILSR to such subdivision. Upon demand by the Secretary made at any time during the calendar year, the developer shall, without delay, file such copies of acknowledged statements as the Secretary shall request.

(c) For the purposes of this section:

(1) "Time of sale or lease" means the date the sales contract or lease is signed by the purchaser except that the "time of sale" shall be deemed to be the effective date of the conveyance if both of the following conditions are met:

(i) The contract of sale requires delivery of a deed to the purchaser within 120 days following the signing of the sales contract.

(ii) Any earnest money deposit, or other payment on account of the purchase price, made by the purchaser

prior to the effective date of the conveyance is placed in an escrow account, fully protecting the interest of the purchaser. Such account shall be with an institution or organization which has trust powers or in an established bank, title insurance, or abstract company, or an escrow company which is doing business in the jurisdiction in which the property is located.

(2) "Liens, encumbrances, and adverse claims" do not include the following:

(i) Property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed.

(ii) Taxes and assessments imposed by a State, by any other public body having authority to assess and tax property or by a property owners' association, which under applicable State or local law constitute liens before they are due and payable.

(iii) Beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision.

(d) Any sale or lease made before written notice is received from the Secretary that he has determined that a subdivision is exempt under this section is in violation of the Act unless otherwise exempt and may be voidable at the option of the purchaser.

§ 1710.12 Regulatory exemptions.

The requirements of this part shall not apply to:

(a) The sale or lease of lots each of which exceeds 10,000 square feet and each of which will be sold for less than $100, including closing costs.

(b) The lease of lots for a term not to exceed 5 years provided the terms of the lease do not obligate the lessee to renew.

The foregoing exemptions are available where the particular factual circumstances of the sale or lease meet the express requirements of the exemption provision. No formal written decision is required, but an exemption advisory opinion pursuant to § 1710.15 may be obtained if desired.

§ 1710.14 Regulatory exemptions—exemption order required—limited offering.

(a) The Secretary may exempt from the provisions of this part any subdivision or any lots in a subdivision which otherwise would be covered by the provisions of this part, by issuing an exemption order in writing to the effect that the enforcement of this part with respect to such subdivision or lots is not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the public offering, if he determines that:

(1) The request for the exemption order is limited to a single transaction; or

(2) All of the following criteria are met:

(i) There are less than 300 lots in the subdivision.

(ii) The subdivision is located entirely within one State.

(iii) The offering of lots in the subdivision is entirely or almost entirely limited to the State in which the subdivision is located.

(iv) The use of all advertising and other promotional means, the distribution of which is within control of the developer or his agents, is confined to the State in which the subdivision is located. All use of billboards and similar signs, telephonic methods of communication and direct mail shall be conclusively presumed to be within the control of the developer or his agents.

(v) No more than 5 percent of the sales in the subdivision in any one year will be made to nonresidents of the State in which the subdivision is located.

(b) To obtain an order by the Secretary under paragraph (a) of this section, the developer shall:

(1) File a partial Statement of Record—Request for Exemption in accordance with § 1710.125.

(2) Pay the filing fee required by § 1710.35(g).

(3) Submit a comprehensive statement:

(i) Identifying the lots which are the subject of the exemption request and setting forth the reasons supporting such request. The developer shall enumerate and identify prior sales, if any.

(ii) Describing the advertising and promotional media and methods used or to be used in connection with the sale or lease or offers to sell or lease lots in the subdivision. The statement shall describe the area and States in which newspapers and periodicals are distributed, or in which broadcast of radio or television stations are received, or to which mailings or other promotional means are directed. If the request is for the exemption of a single transaction the statement shall include the details of that transaction.

(iii) Stating whether any of the holders of an ownership interest in the land, or the developer or any principals in the holder or developer, are directly or indirectly involved in any other subdivision which has filed with or has requested an exemption determination, order or advisory opinion from the Office of Interstate Land Sales Registration. If so, the statement shall identify the subdivision by name, location and OILSR number or numbers. If any of the abovementioned persons are involved in any other subdivision upon which they plan to file a Statement of Record or upon which they plan to request an exemption determination, order or advisory opinion, the statement shall identify such subdivision by name and location and shall state the proposed number of lots in that subdivision.

(4) Submit such additional information as the Secretary may require in order to make his decision.

(c) Any exemption order issued pursuant to the provisions of this section shall be limited to the facts, affirmations, and methods of operation as represented in the request and any material change in or deviation therefrom shall automatically terminate the effect of such exemption order.

§ 1710.15 Exemption advisory opinions.

(a) *In general.* A developer of a subdivision may obtain an exemption advisory opinion from the Secretary stating whether or not, in the opinion of the Secretary, a particular method of sale or lease is exempt from the requirements of this part. An exemption advisory opinion is issued solely in connection with those methods of sale or lease exempted by §§ 1710.10 and 1710.12. An exemption advisory opinion may be obtained in the manner described in paragraph (b) or (c) of this section.

(b) *Opinion request—full Statement of Record.* (1) A developer who wishes to begin promptly to offer or to sell lots in a subdivision may submit in connection with a request for an exemption advisory opinion a full Statement of Record (§ 1710.20). The request for such opinion shall not affect the date upon which the Statement of Record shall become effective.

(2) If a Statement of Record has become effective prior to the issuance of an advisory opinion of the Secretary to the effect that the method of disposition is exempt, the developer shall elect within 30 days of the date of such opinion whether he intends to rely upon such opinion or intends for the Statement of Record to remain in effect. Unless the developer informs the Secretary to the contrary, it will be presumed that he intends to rely upon the opinion of the Secretary and thereafter he shall not represent to a purchaser that:

(i) The subdivision has been registered with the Secretary,

(ii) The Statement of Record is in effect, or

(iii) The Secretary has approved any Property Report or similar information given to a purchaser.

If the developer does not intend to rely on the exemption advisory opinion, he shall notify the Secretary of his election within 30 days of the date of such opinion and shall not thereafter represent to a purchaser that the method of disposition is exempt from the Act.

(c) *Opinion request—partial Statement of Record.* A developer who, for any reason, prefers not to file a complete Statement of Record may file a partial Statement of Record in connection with a request for an exemption advisory opinion. The partial Statement of Record shall be in the form required by § 1710.125. The partial Statement of Record shall not operate as registration under the Act.

(d) *Supporting statement and fees.* Any opinion request shall be accompanied by the required fee, set forth in § 1710.35, and a comprehensive statement of facts and applicable law under which the developer believes the method of disposition to be exempt. The statement shall:

(1) Describe the advertising and promotional media and methods used or to be used in connection with the sale or lease or offers to sell or lease lots in the subdivision.

(2) Describe the area and States in which newspapers and periodicals are

distributed, or in which broadcasts of radio or television stations are received, or to which mailings or other promotional materials are directed.

(3) State whether any of the holders of an ownership interest in the land or the developer or any principals in the holder or developer are directly or indirectly involved in any other subdivision which has filed with or has requested an exemption determination, order or advisory opinion from the Office of Interstate Land Sales Registration. If so, the statement shall identify the subdivision by name, location and OILSR number or numbers. If any of the abovementioned persons are involved in any other subdivision upon which they plan to file a Statement of Record or upon which they plan to request an exemption determination, order or advisory opinion, the statement shall identify such subdivision by name and location and shall state the proposed number of lots in that subdivision.

§ 1710.17 Election—exemption—effective Statement of Record.

After the issuance of a favorable exemption advisory opinion, a Statement of Record shall be considered ineffective and shall be deemed permanently withdrawn unless the developer notifies the Secretary of his election to rely upon the Statement of Record in accordance with § 1710.15(b).

§ 1710.18 No-Action Letter Determination.

Whenever the Secretary determines on the basis of the facts presented that no affirmative action is necessary to protect the public interest or prospective purchasers, a letter stating that no acion will be taken by the Secretary may be issued. Any determination by the Secretary that action shall not be taken shall not bind the Secretary with regard to his future actions relating to such matter unless the Secretary shall specifically set forth in writing his determination to be so bound and the extent and nature thereof. Any such No-Action Letter Determination by the Secretary shall not affect any right which any purchaser may have under the Act.

§ 1710.20 Statement of Record and Property Report—form and filing.

The requirements for registering a subdivision, by filing a Statement of Record and a Property Report with the Secretary and obtaining the Secretary's determination of a date when such filing becomes effective, are as follows:

(a) *Filing.* A Statement of Record and a Property Report relating to a subdivision shall be filed with the Secretary by personal delivery or by certified mail, return receipt requested, addressed as shown in § 1710.2.

(b) *Form of Statement of Record.* The Statement of Record shall be filed in the form, and shall be supported by the documentation, required by § 1710.105. The Statement of Record shall also include such other information as the Secretary may require as being reasonably necessary or appropriate for the protection of purchasers.

(c) *Form of Property Report.* The Property Report is a summary of information disclosed in the Statement of Record and is to be given to purchasers. It shall be in the form set forth in § 1710.-110.

(d) *State filings.* Instead of the forms required by paragraphs (b) and (c) of this section, a Statement of Record and Property Report may be in the form required by State authorities if filed in accordance with the provisions of §§ 1710.25, 1710.115, and 1710.120.

(e) *Effective date—Property Report.* The Property Report shall be considered to be a part of the Statement of Record for the purpose of determining the effective date and the suspension of the effective date thereof.

§ 1710.21 Statement of Record—effective date—amendments.

(a) *Original filing and amendment thereto—effective date.* The effective date of a Statement of Record or any amendment thereto shall be the 30th day after the date of filing unless the Secretary shall notify the developer in writing prior to such 30th day either that:

(1) The effective date has been suspended in accordance with § 1710.45, or

(2) An earlier effective date has been determined by the Secretary.

(b) *Consolidated filing—effective date.* The effective date of a consolidated Statement of Record shall be governed by the provisions of paragraph (a) of this section except that the date of filing shall be the date the required fee and the material which is to be consolidated with the original filing is received by the Secretary.

(c) *Amendments — effective date.* Amended Statements of Record shall become effective as follows: If a Statement of Record or any amendment thereto has been filed but is not yet effective, the effective date of the Statement or amendment, as amended, shall be the 30th day after the filing of the latest amendatory material unless the Secretary shall notify the developer in writing prior to such 30th day either that:

(1) The effective date has been suspended in accordance with § 1710.45, or

(2) An earlier effective date has been determined by the Secretary.

(d) *Requirement for amendment.* The Statement of Record and Property Report shall be immediately amended when any omission is discovered or any change occurs which causes the Statement of Record or Property Report to contain any material misstatement or omission of fact.

§ 1710.22 Consolidated Statements of Record.

If in connection with lots previously offered for sale and covered by an effective Statement of Record, the developer intends to offer additional lots as part of a common promotional plan, either a new or a consolidated Statement of Record must be filed. The developer shall answer specifically each question in the Statement of Record and submit a new Property Report. The developer may not incorporate by reference answers to questions or suporting documentation in the previous filing, except that supporting documentation may be incorporated by reference in those instances where it is applicable specifically to both the original filing and to the additional lots to be offered. In all other respects the consolidated Statement of Record shall conform to the format requirements of an initial Statement of Record filed in accordance with these regulations.

§ 1710.25 State filings—in general.

(a) Material filed with and found acceptable by State authorities charged with the responsibility of regulating the sale of lots in subdivisions may be accepted for filing by the Secretary as meeting the requirements of this part if the Secretary determines such action to be appropriate and such determination is set forth in § 1710.26. Material filed with the Secretary under this section must be certified by such State authorities. The certification shall:

(1) State that the material is a complete duplicate of all materials which were the bases for the finding of acceptability under applicable State law and regulations.

(2) Specifically cite the State law under which the material was found acceptable.

(3) State the date when the finding was determined to be acceptable.

(4) State that the finding of acceptability is effective as of the date of the certification.

(b) Where duplicate material has been accepted for filing by the Secretary under paragraph (a) of this section and such material, or any part thereof, for any reason, is no longer acceptable to the State authorities or effective in that State, the filing with the Secretary shall be ineffective unless amended pursuant to § 1710.27.

(c) The effective date of a State filing shall be determined in accordance with the provisions of § 1710.20 and § 1710.21.

§ 1710.26 State filings—acceptable filings.

The Secretary has determined that material initially filed with and certified by authorities in the several States listed below shall be accepted pursuant to § 1710.25:

(a) California.

(b) Florida, except as to material filed with State authorities prior to enactment of section 478, Florida statutes, effective August 1, 1967.

(c) Hawaii, except as to material filed with State authorities prior to the enactment of Act 223, Session laws of Hawaii 1967.

(d) New York.

§ 1710.27 State filings—consolidations and amendments.

(a) *Procedures.* Where material filed with State authorities also has been filed with the Secretary pursuant to § 1710.25, and subsequent thereto, the State authorities approved amendments or a consolidation to such material, copies of the amended or consolidated material, as approved, shall be filed with the Secretary. The OILSR number shall appear at the top of each page of the material submitted. Such a filing shall be made with

the Secretary within 5 days after it becomes effective under the applicable State laws and shall include the following additional items:

(1) A letter or other document from the State authorities stating that the amendment or additional material has been allowed to become effective.

(2) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment or consolidation and referring to that part and page of the Statement of Record which is being amended.

(3) All pages of the Statement of Record, which have been amended, retyped in the approved format reflecting the amendments.

(4) A copy of the Property Report, if amended.

(b) *Requirement for amendment.* The Statement of Record and Property Report shall be immediately amended when any omission is discovered or any change occurs which causes the Statement of Record or Property Report to contain any material misstatement or omission of fact.

(c) *Effective date—State filing.* The effective date of a State filing consolidation or amendment shall be determined in accordance with the provisions of § 1710.21.

§ 1710.30 Amendments—Statement of Record and Property Report—form and filing.

(a) An amendment to an effective Statement of Record or to a Property Report shall be filed with the Secretary if any material change occurs in any representation of fact made in such statement or report. An amendment shall be filed within 15 days of the date on which the developer knows or should have known that there has been a material change. The OILSR number of the Statement of Record shall appear at the top of each page of the material submitted.

(b) An amendment to a Statement of Record or Property Report shall incorporate by reference the prior Statement of Record or Property Report except for any material change which may have occurred. A material change shall be specifically described and shall be supported by such documentation as would be required in connection with an initial filing. Any such amendments shall be accompanied by:

(1) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that part and page of the Statement of Record which is being amended.

(2) All pages of the Statement of Record, which have been amended, retyped in the approved format reflecting the amendments.

(3) A copy of the Property Report, if amended.

§ 1710.32 Use of Property Reports—misstatements or omissions prohibited.

Nothing in this part shall be construed to authorize or approve any use of a Property Report containing any material misstatement or omission of fact.

§ 1710.35 Payment of fees.

(a) *Method of payment.* Fees shall be paid by certified check or cashier's check or postal money order. Such check or money order shall be payable to the Treasurer of the United States.

(b) *Initial filing.* The fee, not to exceed $1,000, for the initial filing of a Statement of Record, shall be, as set forth in column 1 of paragraph (f) of this section, based on the number of lots in the offering.

(c) *Consolidated filing.* The fee, not to exceed $1,000, for filing a consolidated Statement of Record, shall be, as set forth in column 2 of paragraph (f) of this section, based on the number of lots in addition to the number which were offered in the initial Statement of Record.

(d) *Initial State filing.* The fee, not to exceed $1,000, for an initial filing of a duplicate of material filed with a State (§ 1710.25), shall be, as shown in column 3 of paragraph (f) of this section, based on the number of lots in the offering.

(e) *Consolidated State filing.* The fee, not to exceed $1,000, for the filing of a duplicate of material filed with a State covering a number of lots in addition to the number contained in the initial offering approved by the State (§ 1710.27), shall be, as shown in column 4 of paragraph (f) of this section, based on the number of lots being added to the number in the initial offering. This paragraph applies only in those instances where the State has permitted the consolidation of the additional number of lots with those included in the initial offering.

(f) *Fee schedule.* The following chart shall be used in computing fees required to be paid under paragraphs (b), (c), (d), and (e) of this section.

Number of lots	Fees column			
	1	2	3	4
1-50	$300	$250	$225	$125
51-100	350	300	250	150
101-150	400	350	275	175
151-200	450	400	300	200
201-250	500	450	325	225
251-300	550	500	350	250
301-350	600	550	375	275
351-400	650	600	400	300
401-450	700	650	425	325
451-500	750	700	450	350
501-550	800	750	475	375
551-600	850	800	500	400
601-650	900	850	525	425
651-700	950	900	550	450
701-750	1,000	950	575	475
751-800	1,000	1,000	600	500
801-850	1,000	1,000	625	525
851-900	1,000	1,000	650	550
901-950	1,000	1,000	675	575
951-1,000	1,000	1,000	700	600
1,001-1,050	1,000	1,000	725	625
1,051-1,100	1,000	1,000	750	650
1,101-1,150	1,000	1,000	775	675
1,151-1,200	1,000	1,000	800	700
1,201-1,250	1,000	1,000	825	725
1,251-1,300	1,000	1,000	850	750
1,301-1,350	1,000	1,000	875	775
1,351-1,400	1,000	1,000	900	800
1,401-1,450	1,000	1,000	925	825
1,451-1,500	1,000	1,000	950	850
1,501-1,550	1,000	1,000	975	875
1,551-1,600	1,000	1,000	1,000	900
1,601-1,650	1,000	1,000	1,000	925
1,651-1,700	1,000	1,000	1,000	950
1,701-1,750	1,000	1,000	1,000	975
1,751-or more	1,000	1,000	1,000	1,000

(g) *Exemption order, determination, or advisory opinion.* The fee for an exemption order, determination, or advisory opinion (§§ 1710.10–1710.15) shall be $100 which shall not be refundable and is to be collected as follows:

(1) When the developer files a complete Statement of Record, the fee required by paragraphs (b) through (e) of this section shall be submitted and if the Secretary advises that the offering is exempt under §§ 1710.10–1710.14, the Secretary will refund the submitted fee except for $100.

(2) Where the developer files a request for an exemption order, determination or advisory opinion not accompanied by a complete Statement of Record, the fee of $100 shall be submitted. If the Secretary finds that the filing of a complete Statement of Record is required, the fee of $100 shall be applied as a credit toward the fee required for the filing of the complete Statement of Record.

§ 1710.45 Suspensions.

(a) *Suspension notice—prior to effective date.* (1) A suspension notice with respect to a Statement of Record or an amendment may be issued to a developer within 30 days after receipt by the Secretary if any of the following occurs:

(i) Prior to its effective date, the Secretary has reasonable grounds to believe that a Statement of Record is on its face incomplete or inaccurate in any material respect.

(ii) Prior to its effective date, the Secretary has reasonable grounds to believe that an amendment is on its face incomplete or inaccurate in any material respect.

(2) Suspension notices issued pursuant to this section shall suspend the effective date of the statement or the amendment until 30 days, or such earlier date as the Secretary may determine, after the developer files such additional information as the Secretary shall require.

(3) A developer, upon receipt of a suspension notice, may request a hearing, and such hearing shall be held within 20 days of receipt of such request by the Secretary.

(b) *Notice of proceeding; suspension orders—subsequent to effective date.* (1) A notice of proceedings to suspend an effective Statement of Record may be issued to a developer if any of the following occurs:

(i) The Secretary has reasonable grounds to believe that an effective Statement of Record includes an untrue statement of a material fact, or omits a material fact required by the Act or the rules and regulations, or omits a material fact which is necessary to make the statements therein not misleading.

(ii) The Secretary undertakes an examination of a developer or his records to determine whether a suspension order should be issued and the developer fails to cooperate with the Secretary, or obstructs, or refuses to permit the Secretary to make such examination.

(iii) Upon receipt of an amendment to an effective Statement of Record, the

Secretary has reasonable grounds to believe that in the public interest or for the protection of purchasers, the Statement of Record should be suspended.

(2) The Secretary may, after notice, and after opportunity for a hearing, issue an order suspending the Statement of Record.

(3) In the event that a suspension order is issued, such order shall remain in effect until the developer has amended the Statement of Record or otherwise complied with the requirements of the order. When the developer has complied with the requirements of the order, the Secretary shall so declare and thereupon the suspension order shall cease to be effective.

§ 1710.50 Application to effective Statement of Record.

Statements of Record and Property Reports filed and allowed to become effective with OILSR prior to the effective date of these regulations shall continue in effect through March 31, 1972, or until such time as the developer amends or consolidates his Statement of Record or changes his method of operation so as to require a reprinting or revision of the Property Report but in no event later than April 1, 1972. As of April 1, 1972, any and all effective Statements of Record and Property Reports must have been amended to conform to these regulations. Failure of a developer to amend a Statement of Record to comply with the regulations in this part shall subject a Statement of Record to immediate institution of suspension proceedings.

Subpart B—Reporting Requirements

§ 1710.101 Claim of exemption—format of affirmation.

A claim of exemption pursuant to § 1710.11 shall be made to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, and shall be supported by an affirmation as follows:

CLAIM OF EXCEPTION

I hereby affirm on this _____ day of _____, 19__, as follows:

(1) I am the developer, or the duly authorized agent of the developer, of the subdivision known as _____, located at _____, in the State of _____, County of _____.

(2) Each and every purchaser or lessee of a lot to be covered by this exemption, or his or her spouse, prior to his signing a contract to purchase or lease will have:

(a) Made a personal on-the-lot inspection of the real estate which he purchases or leases; and

(b) Acknowledged, in writing, receipt of a statement furnished by the developer setting forth all reservations, restrictions, taxes, and assessments applicable to the lot to be purchased or leased whether or not such reservations, restrictions, taxes, or assessments are included within the term "liens, encumberances, and adverse claims" as used in paragraph (7) below.

(3) This affirmation is accompanied by a Statement of Reservations, Restrictions, Taxes, and Assessments prepared in accordance with the provisions of 24 CFR 1710.102. The Secretary's approval of such statement will be obtained prior to its distribution and use.

(4) The Statement of Reservations, Restrictions, Taxes, and Assessments is complete and correct.

(5) The receipt of such statement will be acknowledged in writing, in duplicate, by the purchaser or lessee prior to the time of the signing of the contract.

(6) A copy of the acknowledged statement will be filed with the Secretary within 31 days after the expiration of the calendar year in which the sale or lease is made. Upon demand by the Secretary made at any time during the calendar year, the developer shall file such copies of such acknowledged statements as shall be specified by the Secretary.

(7) At the time of sale or lease, the lot will be free and clear of all liens, encumbrances, and adverse claims. The term "liens, encumbrances, and adverse claims" (as used in this paragraph) is not intended to include property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, nor to taxes and assessments imposed by a State, by any other public body having authority to assess and tax property or by a property owners' association, which, under applicable State or local law, constitute liens on the property before they are due and payable, nor to beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision.

(8) For the purpose of this claim of exemption, the undersigned agrees that the "time of sale or lease" shall be deemed to be the date the sales contract or lease is signed by the purchaser or lessee except that the "time of sale" shall be deemed to be the effective date of the conveyance or lease if both of the following requirements are met:

(a) The contract of sale requires delivery of a deed to the purchaser within 120 days following the signing of the sales contract.

(b) Any earnest money deposit or other payment on account of the purchase price made by the purchaser prior to the effective date of the conveyance will be placed in an escrow account, fully protecting the interests of the purchaser, in an institution or organization which has trust powers, or in an established bank, title insurance, or abstract company, or escrow company doing business in the jurisdiction in which the property is located.

_____
_____
(Title)

(If the affirmation is made by an agent of the developer of the subdivision, submit written authorization to act as agent.)

§ 1710.102 Statement of Reservations, Restrictions, Taxes, and Assessments—format and instructions.

A Statement of Reservations, Restrictions, Taxes, and Assessments shall be prepared by the developer in accordance with the following format and instructions:

STATEMENT OF RESERVATIONS, RESTRICTIONS, TAXES, AND ASSESSMENTS

Employer's IRS Number _____
Developer_____
Owner_____
Name of developer_____
Address _____
Owner (if developer is other than owner)
_____
Address _____
Name of subdivision_____
Location _____
Number of lots in subdivision_____
Number of acres in subdivision_____

1. *Reservations and restrictions.*

(The developer shall set forth, in descriptive and concise terms, a complete statement of all reservations and restrictions affecting the property within the above-named subdivision. Where reservations or restrictions are not applicable to all lots within a subdivision the statement shall identify the lots affected. State whether such reservations and restrictions are enforceable by other lot owners or lessees of lots in the subdivision. Reference to instruments of record shall include a specific citation to the public record in which such instruments are recorded or filed by book, page, and place of record.)

2. *Taxes.*

(The developer shall set forth, in descriptive and concise terms, a complete statement listing all taxes and liens presently due and payable and those which constitute liens on the property before they become due and payable, together with the date such taxes will become due and payable. Itemize taxes, amounts and rates by lots. Where taxes, amounts or rates shown are not yet available for the current calendar year, those for the previous year should be shown with a statement that they are not for the current year and that the new taxes, amounts or rates may vary; and, if property has been rezoned or subdivided since the last taxing period, the estimated amount of changes for the current year should also be shown. Where the previous year's taxes were based other than on lots as presently subdivided, estimates should be shown and so identified.)

3. *Assessments.*

(The developer shall set forth in descriptive and concise terms a statement of all assessments which are made or may be made by State or local authorities or by a property owners' association or similar organization. The statement shall include any dues or fees paid in the last year or payable to a property owner's association. Itemize assessments, dues, fees, amounts and rates. State the authority under which the assessments, dues, and fees are imposed.)

WARNING: This subdivision is not registered with the Office of Interstate Land Sales Registration nor has that Office passed upon the accuracy or adequacy of this statement, nor does this statement serve as an endorsement or recommendation by that Office of the above offering.

The undersigned by his signature hereby acknowledges that he has received a Statement of Reservations, Restrictions, Taxes, and Assessments, on (identify subdivision and location) from (name of developer) located at (address) and that he has made a personal on-the-lot inspection of (at the time of delivery to the purchaser or lessee insert a legal description of the particular lot) which is the lot upon which the undersigned plans to execute a contract of sale or lease.

_____
(Date)

_____
(Signature of purchaser or lessee)

§ 1710.105 Statement of Record—format and instructions.

The Statement of Record required by § 1710.20 shall be prepared in accordance with the format and instructions as follows:

Employer's IRS number: _____
Developer: _____
Owner: _____

STATEMENT OF RECORD

Name of subdivision: _____
Location: _____
Name of developer: _____
Developer's address: _____
Authorized agent: _____
Authorized agent's address: _____

PART I. ADMINISTRATIVE INFORMATION

A. Identification and filing information:
1. ---
2. ---
3. ---
B. General information:
1. ---
2. ---
3. ---
4. ---
5. ---
6. Acres owned ---
Acres under option or other similar arrangement ---
Total ---
C. Filings with State authorities:
1. ---
2. ---
D. Supporting documentation:
1. ---
2. ---

PART II. DEVELOPERS AND HOLDERS OF OWNERSHIP INTERESTS IN LAND

A. Holder of ownership interest---
Type of legal entity---
Extent and type of interest---
B. Holder of interest in developer---
Type of legal entity---
Extent and type of interest---
C. Supporting documentation---

PART III. IDENTITY OF INTEREST IN MORE THAN ONE FILING

A. Subdivision ---
Location ---
OILSR number ---
Date of filing ---
B. Suspensions ---

PART IV. LEGAL DESCRIPTION, TOPOGRAPHY, CLIMATE, SUBDIVISION MAP

A. Legal description ---
B. Topography and physical characteristics:
1. ---
2. ---
3. ---
4. ---
5. ---
6. ---
7. ---
C. Climate and temperature:
1. ---
2. ---
D. Environmental factors:
1. ---
2. ---
E. Subdivision map:
1. ---
2. ---
3. ---
4. ---
5. ---
6. ---
F. Supporting documentation:
1. ---
2. ---

PART V. CONDITION OF TITLE, ENCUMBRANCES, DEED RESTRICTIONS, AND COVENANTS

A. ---
B. ---
C. ---
D. ---

PART VI. GENERAL TERMS AND CONDITIONS OF OFFER, PROPOSED RANGE OF SELLING PRICES OR RENTS

A. Summary of General Terms and Conditions of Offer:
1. ---
2. ---
3. ---
B. Proposed range of selling prices or rents ---
C. Supporting documentation:
1. ---
2. ---
3. ---

PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN THE SUBDIVISON

A. Access—Nearby communities:
1. ---
2. ---
3. Name of community---
Population ---
Distance over paved roads---
Distance over unpaved roads---
Total ---
B. Road system within the subdivision:
1. ---
2. ---
3. ---
C. Supporting documentation:
1. ---
2. ---
3. ---

PART VIII. UTILITIES

A. Water:
1. ---
2. ---
3. ---
4. ---
5. ---
6. ---
7. ---
8. Supporting documentation:
a. ---
b. ---
c. ---
d. ---
B. Electricity:
1. ---
2. ---
3. ---
4. ---
5. ---
6. Supporting documentation:
a. ---
b. ---
c. ---
C. Gas:
1. ---
2. ---
3. ---
4. ---
5. ---
6. Supporting documentation:
a. ---
b. ---
c. ---
D. Telephone:
1. ---
2. ---
3. ---
4. ---
5. ---
6. Supporting documentation:
a. ---
b. ---
c. ---
E. Sewage disposal:
1. ---
2. ---
3. ---
4. ---
5. ---
6. ---
7. ---
8. ---
9. ---
10. Supporting documentation:
a. ---
b. ---
F. Drainage and flood control:
1. ---
2. ---
3. ---
4. ---
5. Supporting documentation:
a. ---
b. ---
G. Television:
1. ---
2. ---

PART IX. RECREATIONAL AND COMMON FACILITIES

A. ---
1. ---
2. ---
3. ---
4. ---
5. ---
B. ---

PART X. MUNICIPAL SERVICES

A. Fire protection:
1. ---
2. ---
3. ---
B. Police protection---
C. Garbage and trash collection:
1. ---
2. ---
3. ---
D. Public schools:
1. Elementary school:
a. ---
b. ---
c. ---
2. Junior high school:
a. ---
b. ---
c. ---
d. ---
3. High school:
a. ---
b. ---
c. ---
d. ---
E. Medical and dental facilities:
1. Hospital facilities:
a. ---
b. ---
c. ---
d. ---
e. ---
2. Physicians and dentists:
a. ---
b. ---
F. Public transportation:
1. ---
2. ---
3. ---
4. ---

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

A. ---
B. ---
C. ---
1. ---
2. ---
3. ---
4. ---
5. ---
6. ---
7. ---

PART XII. OCCUPANCY STATUS

A. ---
B. ---
C. ---

PART XIII. SHOPPING FACILITIES

A. ---
B. ---

PART XIV. FINANCIAL STATEMENT

A. _____

B. _____

PART XV. AFFIRMATION

Affirmation

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent):

That the statements contained in this Statement of Record and any supplement thereto, together with any documents submitted herewith, are full, true, complete, and correct;

That the fees accompanying this application are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

(Date)	(Signature)
(Corporate seal if applicable)	(Title)

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact * * *, shall upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both."

INSTRUCTIONS FOR COMPLETION OF STATEMENT OF RECORD

These instructions must be followed in completing the Statement of Record. All spaces in the specified format must be completed. The format must not be changed in any respect, except as follows:

a. Spaces provided in the format may be enlarged or extended for the purpose of providing a comprehensive explanation.

b. In addition to the information expressly required to be stated in the Statement of Record, there shall be added such further material information, if any, as may be necessary to make the required statements in the light of the circumstances under which they are made, not misleading.

c. If a filing is to be consolidated pursuant to § 1710.22, the developer shall answer specifically each question in the Statement of Record and submit a new Property Report. The developer shall not incorporate by reference the answers to questions or supporting documentation in the previous filing, except that supporting documentation may be incorporated by reference in those instances where it is applicable specifically to both the original filing and to the additional lots to be offered. This shall be accomplished by placing after the applicable part or subpart in the format the OILSR number of the previous filing identifying the appropriate part, subpart, exhibit, and page number. In all other respects the consolidated Statement of Record shall conform to the format requirements of an initial Statement of Record filed under these regulations.

To facilitate proper filing, Statements of Record shall be filed on good quality, unglazed, white paper, approximately 8½ by 13 inches in size, with a 2-inch margin at the top and a 1½-inch margin on each side. They shall be in black ink in standard elite or pica type. They may be printed, lithographed, mimeographed, or typewritten; but the standard size of elite or pica type must be used. Deeds, title policies, subdivision maps or plats, and other supporting documents may be on different size paper but should be folded to the 8½- by 13-inch size. A copy of the Property Report in the form that it will be given to the purchaser shall be attached to the Statement of Record. Statements of Record shall be properly signed and dated.

In the upper right hand corner, the developer shall give his employer's IRS number as well as that of the owner of the subdivision, if the developer is not the owner. The name at the heading of the Statement of Record shall be the common promotional name used for the subdivision. The name and address of the authorized agent shall be the name and address of the party designated by the developer to receive correspondence and to receive service of process or notice of any action taken by OILSR. In all filings, including filings by foreign developers, the authorized agent shall be a resident of the United States.

The supporting documents required by the various parts of these instructions shall be attached as exhibits at the back of the Statement of Record. Each exhibit shall be identified by affixing a tab on the right side of the cover sheet of the exhibit and by identifying thereon the applicable part and subpart by Roman numeral, letter and Arabic number. The pages of each exhibit shall be numbered beginning with the number one for the first page in each exhibit and numbering the remaining pages in the exhibit sequentially. If, at a later time, additional data is furnished to be incorporated into, or to amend, an exhibit, the pages of the additional data shall be numbered beginning with the number following the last page number in the exhibit and following sequentially therefrom. If the information in an exhibit is applicable to more than one part, the developer may incorporate that information by reference to the appropriate exhibit and to the applicable page or pages within that exhibit.

If an item in the Statement of Record is supported by information in an exhibit, place the appropriate exhibit and page number in the right margin immediately adjacent to the item. Whenever the Statement of Record requires a summary or statement of terms or items, such summary or statement must be presented in a clear and concise manner.

Where the documentation required by the Statement of Record cannot be obtained, a letter stating the reasons therefore must be furnished by the developer, along with the best alternative assurance available.

The following instructions correspond to the part and subpart letters and numbers set forth in the Statement of Record format.

PART I. ADMINISTRATIVE INFORMATION

A. Identification and filing information.

1. State whether the filing is an initial filing with the Office of Interstate Land Sales Registration on the subdivision or an additional offering of lots to be consolidated with a Statement of Record previously filed for lots offered under the same common promotional plan. If the filing is to be consolidated, identify the OILSR filing number assigned to the original Statement of Record.

2. Do you intend to make subsequent filings for additional lots within the subdivision?

3. Are you submitting documentation to support a claim of exemption? If so, see instruction in D.1 of this part.

B. General information.

1. Name the State, Commonwealth, territory, or possession of the United States or the country in which the subdivision is located.

2. Name the county or counties or other political subdivision or subdivisions within which the subdivision is located.

3. State the number of lots in this offering.

4. If more than one offering of lots in the subdivision has been made or will be made, state the number of lots to be offered in the entire subdivision. See instruction D.3 of this part.

5. State the number of acres included in this offering.

6. If more than one offering of lots in the subdivision has been made or will be made, state the number of acres owned, the number of acres under option or other similar arrangement for acquisition of title to the land and the total number of acres to be offered pursuant to the same common promotional plan.

C. Filings with State authorities.

1. If a Statement of Record or similar instrument for the subdivision has been filed in any State or States, list the State or States.

2. If any of the States listed in answer to figure 1 above has not permitted the filing to become effective or has suspended the filing, give reasons cited by the State and also the developer's reasons, if different from those cited by the State.

D. Supporting documentation.

1. If you are requesting an exemption pursuant to § 1710.14 or § 1710.15 of these rules and regulations, your request should be entitled "Request for Exemption" and should include a statement of applicable facts and law. The statement shall include the information specified in the applicable section and all other information you feel necessary for the consideration of the merits of the proposed offering in relation to the Interstate Land Sales Full Disclosure Act. The offering must be prospective; and the information submitted must affirmatively disclose that both the offering and the operations contemplated thereunder will not be inconsistent with the provisions of the Interstate Land Sales Full Disclosure Act.

2. If the present offering is a subdivision which is or will be offered with one or more additional subdivisions having recreational and/or other common facilities, submit the general or total plan. Include a map showing the total land owned or under option or other similar arrangement for acquisition of title to the land; and delineate thereon the land included in this offering.

PART II. DEVELOPERS AND HOLDERS OF OWNERSHIP INTERESTS IN LAND

A. List the name and address and the type and extent of interest of each holder of any ownership interest in the land included in this offering. (Individual lot owners or lessees who have purchased or leased lots from the developer need not be listed.) If the holder is other than an individual, name the type of legal entity and list the interest and the extent thereof, of each principal. For the purposes hereof, "principal" shall mean any person or entity having a 10 percent or more financial interest.

B. If the developer does not own an interest in the land, list name and address of each individual or entity having an ownership interest in the developer. If the developer is other than an individual, name the type of legal entity and list the interest, and the extent thereof, of each principal. For the purposes hereof, principal shall mean any person or entity having a 10 percent or more financial interest.

C. If the developer is a corporation, submit a copy of the Articles of Incorporation, with all amendments thereto; and a list of the officers and directors of the corporation.

If the developer is a trust, submit copies of the instruments creating the trust.

If the developer is a partnership, unincorporated association, joint-stock company, or any other form of organization, submit copies of articles of partnership or association and all other documents relating to its organization.

If the holder of any ownership interest in the land being offered is a person or entity other than the developer, submit copies of the above documents for such holder. (For purposes of this subpart C, it is not necessary to include the sales agent if the sales agent is a legal entity other than a holder of an ownership interest in the land.)

PART III. IDENTITY OF INTEREST IN MORE THAN ONE FILING

A. Are any of the holders of an ownership interest in the land or the developer, or any principals in the holder or developer, directly or indirectly involved in any other subdivision or development which has been filed with the Office of Interstate Land Sales Registration? If so, identify by subdivision name, location, OILSR number or numbers, and date of filing. If not applicable, state "None."

B. Has a suspension order been issued with respect to any Statement of Record identified in subpart A? If so, give reasons. (Do not include the suspension of a Statement of Record prior to its effective date or the suspension of an amendment prior to its effective date.)

PART IV. LEGAL DESCRIPTION, TOPOGRAPHY, CLIMATE, SUBDIVISION MAP

A. Legal description. Include an adequate legal description acceptable in the political subdivision for conveyancing of the land included in this offering; and if additional offerings have been made or will be made pursuant to a common promotional plan, include a legal description of the total area offered or to be offered pursuant to the common promotional plan.

B. Topography and physical characteristics.

1. Describe the general topography and physical characteristics of the subdivision; for example, level, hilly, rocky, etc.; soil conditions, for example, loose sand, alkaline, etc.

2. State whether any of the lots, or portions thereof, in the offering are in danger of flooding or are covered by water at any time of the year and whether the property is located within a 100-year flood plain.

3. Is the property subject to a flood control easement?

4. What percentage of the land in the subdivision will require corrective work, other than fill, before construction of a one-story residential structure? If any, describe type of work and plans for correction; and state the estimated cost to buyer or lessee.

5. Will any unusual construction techniques be necessary to build on any part of land? If so, describe.

6. What percentage of the land will require fill before construction? If any, describe plans for fill, including composition, and estimated cost to lot buyer or lessee.

7. State elevation of the highest and lowest lots in the subdivision.

C. Climate and temperature.

1. Describe general weather conditions of the area and state whether the area is subject to sandstorms, windstorms, or any other unusual weather phenomena.

2. State temperature ranges for summer and winter, including high, low, and mean.

D. Environmental factors.

1. Is the land affected by any unusual or unpleasant noises, odors, pollutants, or other nuisances? (Examples of unusual noises which might affect the subdivision include proposed or existing industrial activity, airports or other transportation facilities, animal pens, entertainment centers or the like. Examples of unpleasant odors include noxious smoke, chemical fumes, stagnant ponds or marshes, slaughter houses, sewage treatment facilities, and the like.) Any such conditions should be accurately described and fully explained identifying their origin and location and stating whether they are proposed or existing—if existing, whether temporary (estimate duration) or permanent.

2. Do you know of any unusual safety factors or any proposed plans, private or governmental, for construction of any facility which may create a nuisance or adversely affect the use of the land? (Examples of unusual safety factors which might affect the subdivision would include a physical hazard such as dilapidated or abandoned properties, unsafe construction, air or vehicular traffic hazards, danger from fire, or explosion, radiation hazards and the like.) Any such conditions should be accurately described and fully explained identifying their origin and location and stating whether they are proposed or existing—if existing, whether temporary (estimate duration) or permanent.

E. Subdivision map.

1. State whether a subdivision map has been filed with and accepted for recording by local authorities. If so, give recording data.

2. Has each lot in the subdivision been surveyed?

3. Has each individual lot been staked or marked so that the buyer can identify the boundary lines of his lot? If not, state estimated cost to purchaser or lessee to obtain a survey and to have boundary lines staked or marked.

4. Will all streets shown on the tract map, if any, be public streets?

5. Has legal access been provided to each of the individual lots within the subdivision?

6. State minimum width of legal access to the lots.

F. Supporting documentation.

1. Copy of an accurate map prepared to scale showing the dimensions of the lots and their relation to existing streets and roads. (To comply with this requirement, supply a map or maps which have been submitted to local authorities, if available.) If the land has not been divided, include a map showing the proposed division, lot dimension and their relationship to existing streets and roads.

2. Copy of the current Geological Survey Topographic Map or Maps of the largest scale available from the U.S. Geological Survey, Washington, D.C., with an outline of the subdivision area clearly indicated thereon.

PART V. CONDITION OF TITLE, ENCUMBRANCES, DEED RESTRICTIONS AND COVENANTS

A. State condition of the title to the land comprising the subdivision, including all encumbrances, easements, covenants, conditions, reservations, limitations or restrictions applicable thereto. This requirement may be met only by submission of title evidence in the form of (1) an original or copy of a fee or owners policy of title insurance, a guaranty or guarantee of title, or a certificate of title, or an interim title binder or commitment for title insurance, or similar instrument issued by a title company, duly authorized by law to issue such instruments in the State in which the subdivision is located; or (2) a legal opinion, stating the condition of title, prepared and signed by an attorney at law experienced in the examination of titles and a member of the Bar in the State in which the property is located.

The title evidence shall be dated as of a date no earlier than 20 business days preceding the date of this filing and shall include:

1. A legal description of all of the property included in this offering together with a legal description of the property upon which there is or will be located any common areas or facilities which will be advertised as being available for the benefit or use of purchasers of lots. (Where the legal description does not specifically describe as individual parcels each of the lots included in this offering, an affirmative statement, to the effect that each of the lots included in the offering is encompassed by the description, is required.)

2. The name of the person(s) or other legal entity(ies) holding fee title to the property described.

3. The name of any person(s) or other legal entity(ies) holding a leasehold estate or other interest of record in the property described.

4. A listing of any and all exceptions or objections to the title, estate or interest of the person(s) or legal entity(ies), referred to in 2 or 3 above, including any encumbrances, easements, covenants, conditions, reservations, limitations, restrictions of record. (Any reference to exceptions or objections to title shall include specific references to the instruments in the public records upon which the exception is based.) When an objection or exception to title affects less than all of the property included in this offering, the title evidence should specifically note which lots are affected.

5. Copies of all instruments in the public records specifically referred to in 4 above. (Abstracts of such instruments are acceptable if prepared by an attorney or professional or official abstracter qualified and authorized by law to prepare and certify to abstracts and if the abstracts contain the material portion of the recorded instruments to determine the nature and effect of such instruments.)

Where the title evidence is dated earlier than 20 days prior to the date of filing, the requirement for a statement of the condition of title may be met by submitting that evidence together with an attorney's opinion of title covering the period from the date of the title evidence to a date no earlier than 20 business days preceding the date of the filing. The attorney's opinion shall be prepared and signed by an attorney at law experienced in the examination of titles and a member of the Bar in the State in which the property is located.

B. Describe and furnish copies of any instrument, not of public record, known to the developer, which if recorded would affect the condition of title. (Copies of instruments to individual lot owners or lessees who have purchased or leased lots from the developer need not be described or furnished.)

C. State the consequences for an individual purchaser of a failure, by the person or persons bound, to fulfill obligations under any instrument or instruments, referred to under A or B above, which create a blanket encumbrance upon the property, or any portion thereof, described under A, above.

D. Describe and furnish copy(ies) of any trust deed(s), deed(s) in trust, escrow agreement(s) or other instrument(s) which purport to protect the purchaser in the event of default by the person or persons bound to fulfill obligations under any instrument or instruments, referred to under A or B, above, which create a blanket encumbrance upon the property or any portion thereof, described under A, above.

PART VI. GENERAL TERMS AND CONDITIONS OF OFFER, PROPOSED RANGE OF SELLING PRICES OR RENTS

A. Summarize the terms and conditions of the offer and of the contract of sale or lease. The summary must include, but shall not be limited to:

1. A statement of the terms of release of lots from the blanket encumbrance, if the subdivision, or any portion thereof, is subject to a blanket encumbrance. If there is

no provision for release, describe any legal steps taken to protect the purchaser or lessee in the event the obligor on the blanket encumbrance defaults.

2. A statement of the disposition which will be made of earnest money or good faith deposits and downpayments or other payments received from buyers or lessees including any steps taken to protect the buyer or lessee in the event the seller or lessor does not perform his obligations under the contract.

3. A statement of the disposition which will be made of earnest money or good faith deposits and downpayments and other payments received from buyers or lessees who default under the terms of the contract.

B. State the range of selling prices or rents for lots in the subdivision.

C. Supporting documentation.

1. A copy of all forms of contracts or agreements to be used in selling or leasing lots. (The contracts or agreements must contain language (a) giving the purchaser the option to void the contract or agreement if he does not receive a Property Report prepared pursuant to the rules and regulations of the U.S. Department of Housing and Urban Development, in advance of, or at the time of, his signing the contract or agreement; and (b) giving the purchaser the right to revoke the contract or agreement within 48 hours after signing the contract or agreement if he did not receive the Property Report at least 48 hours before signing the contract or agreement. [The contract or agreement may stipulate that the revocation authority shall not apply in the case of a purchaser who (i) has received the Property Report and inspected the lot to be purchased or leased in advance of signing the contract or agreement, and (ii) acknowledges by his signature that he has made such inspection and has read and understood such report.])

2. A copy of the agreement, if not included in the sales contract, in which seller agrees with buyer to release lots from any blanket encumbrance.

3. Copies of deeds and leases by which the developer will lease or convey title to the lots to purchasers or lessees.

PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN THE SUBDIVISION

A. Access—nearby communities.

1. Describe present condition of access routes to the subdivision, including type and width of road surface and number of lanes.

2. Are any improvements proposed to access routes? If so, state who will bear the cost of the improvements and the estimated completion date. If the improvements are to be made by a local governmental authority, state the name of the authority, and the source of funds to complete the improvements. If lot owners will be subject to a special assessment or similar charge for such improvements which shall be a lien on the lots in the subdivision, so state.

3. List nearest large cities and the county seat, and the population of each. List the total distance to the center of the subdivision from each and the portion of that distance which is paved and unpaved. If the geographical center of the subdivision is located more than 50 miles from a large city or the county seat, list also the nearest established community or communities.

B. Road system within the subdivision.

1. Describe the present condition of the road system within the subdivision, including the type and width of road surface, number of lanes and approximate dedicated width of roads. State whether all of the lots in the subdivision can be reached by conventional automobile.

2. State any proposed improvements to the road system within the subdivision, the percentage completed, and the estimated schedule for completion. State who will bear the cost of the improvements; and if any of the cost is to be borne by the purchaser, state the estimated cost to the purchaser.

3. State whether the roads within the subdivision have been dedicated to and accepted by a public authority responsible for maintenance. If not dedicated and accepted, state who will be responsible for maintenance. If the lot owner will be responsible for maintenance, state the estimated cost to the purchaser.

C. Supporting documentation.

1. If the developer is to complete access routes, submit copies of contracts and copy of any bonds or escrow agreements to guarantee completion thereof. If the access routes are to be completed by the local government, a copy of a letter from the local authorities setting forth the plan for the completion of access routes and maintenance thereof.

3. Copy of letter from local authority setting forth the plan for maintenance of the road system with the subdivision.

PART VIII. UTILITIES

A. Water.

1. State the availability of the water supply and whether the supply will be adequate to serve the anticipated population of the area.

2. Is the water supplied or to be supplied by a public or private utility company? If so, state the name and address and whether the company is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. State whether the waterlines will be extended to the individual lots. If they are to be extended, state the estimated schedule for the extension and the assurance of completion.

4. State estimated cost of installation or construction to be borne by the purchaser, if any.

5. Is the water supply to be obtained from private well? If so, indicate (1) probable depth and (2) results of test borings or other data establishing that a sufficient quantity of potable water is available to each buyer or lessee and (3) estimated total completion cost to buyer or lessee.

6. If water is provided by a supplier not regulated by a public body, state the rate schedule.

7. If privately supplied water or individual wells are to be the source of water for human use, has the cognizant State or county health authority issued a report on the quality of the water?

8. Supporting documentation.

a. Copy of a letter from water company stating that it will supply the water.

b. Copy of the contract for construction, if any, and the bond or escrow agreement to assure completion of the facility, if any.

c. If available, copy of engineer's report or geological report or any other data indicating the source and quantity of water. If it is stated that there will be an adequate supply of available water to serve the anticipated population of the area, submit a copy of an engineer's report or hydrological survey supporting such statement.

d. Copy of letter or report from cognizant health officer which includes an analysis of the chemical quality and bacteriological purity of water.

B. Electricity.

1. State whether electricity is available and, if so, the name and address of the supplier from which it may be obtained.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates.

3. Have the electrical facilities been extended to the individual lots?

4. If the electrical facilities have not been extended to the individual lots, what is the estimated schedule for installation and what estimated costs, if any, will be borne by the purchaser?

5. State the assurance of completion if the electrical facilities are to be installed by the developer.

6. Supporting documentation.

a. Copy of a letter from the electric company stating that it will supply the electricity.

b. If electricity is provided by a supplier not regulated by a public body, state the rate schedule.

c. Copy of the contract for construction of electrical facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

C. Gas.

1. State the availability of gas including the name and address of the supplier.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have gaslines been extended to the individual lots?

4. If the gas facilities have not been extended to the individual lots, what is the estimated schedule for installation and what estimated costs will be borne by the purchaser?

5. State the assurance of completion if the gas facilities are to be installed by the developer.

6. Supporting documentation.

a. Letter from the gas supplier stating that it will provide the service.

b. If gas is provided by a supplier not regulated by a public body, state rate schedule for the service.

c. Copy of the contract for construction of the gas facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

D. Telephone.

1. State the availability of telephone service including the name and address of the supplier.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the telephone facilities been extended to the individual lots?

4. If the telephone facilities have not been extended to the individual lots, what is the estimated schedule for installation and what cost will be borne by the purchaser?

5. State the assurance of completion of the telephone facilities if those facilities are to be installed by the developer.

6. Supporting documentation.

a. Copy of a letter from the telephone company stating that the company will supply the service.

b. If telephone service is provided by a supplier not regulated by a public body, state the rate schedule.

c. Copy of the contract for the construction of the telephone services, if any, and any bond or escrow arrangements to assure completion of the facilities.

E. Sewage disposal.

1. State whether sewers are available and, if so, the name and address of the entity responsible for installation and maintenance.

2. Is the entity a public or private utility company? State whether entity is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the sewage facilities been extended to the individual lots?

4. If the sewage facilities have not been extended to the individual lots, what is the estimated schedule for their installation and what estimated costs will be borne by the purchaser, including construction, installation, and connection costs?

5. State the assurance of completion if the sewage facilities are to be installed by the developer.

6. If public sewers are not now installed and are not to be installed, state the alternate sewage disposal method to be used, such as septic tanks or cesspools.

7. If a public sewer is not or will not be installed, state the estimated cost of installing the alternate method of sewage disposal.

8. Will the local health authorities approve the use of an alternate method of sewage disposal? Has such approval been obtained?

9. If use of septic tanks is contemplated, state whether the land is suitable for the use of septic tanks; include in your statement the results of any percolation tests.

10. Supporting documentation.

a. Copy of the contract for construction of the sewage disposal facilities, if any, and any bond or escrow arrangements to assure the completion of the facilities.

b. Copy of a letter from local health authorities stating the methods of sewage disposal which will or will not be permitted.

F. Drainage and flood control.

1. State whether there has been or will be any drainage required to render any of the lots suitable for construction purposes. If so, list the lots, and state estimated cost to purchaser.

2. Have artificial drains, storm sewers, or flood control channels been installed?

3. If these facilities have not been installed, what is the estimated schedule for completion, if any, and what estimated costs or other assessments will the purchaser be expected to pay?

4. If the developer is to install these facilities, state the assurance of completion.

5. Supporting documentation.

a. Copy of the contract for the construction of the artificial drains, storm sewers, or flood control channels, if any, and any bonds or escrow agreements to assure completion of the facilities.

b. If drainage is provided or to be provided by a public or private company, submit a letter from the company stating that it will provide the service.

G. Television.

1. Is television reception available to the lots within the subdivision without reception cost?

2. If not, state estimated cost to user.

PART IX. RECREATIONAL AND COMMON FACILITIES

List any common or recreational facilities which have been or are to be installed for the beneficial use and enjoyment of the owners of lots in the subdivision which have not been discussed in the previous parts of the Statement of Record. Identify each facility and answer the following questions for each:

A. (Name of facility.)

1. If the facility has not been installed, what is the percentage of completion, the estimated schedule for completion and what estimated costs will the purchaser have to pay?

2. What provisions have been made for the maintenance and operation of the facility and what is the estimate of the assessments or other recurring charges to be paid by the purchaser?

3. Include a statement of the assurance of completion of the facility if the developer is responsible for construction.

4. If a property owners' association, or similar organization, owns or will own the facility, so state. If the association has not been formed as a legal entity, state when it is expected to be formed and the conditions under which the association will take title to the facility.

5. Supporting documentation. Include copy of the contract for construction of the facilities, if any, and describe any bond or escrow arrangements to assure completion of the facilities.

B. (Name of facility.)

PART X. MUNICIPAL SERVICES

A. Fire protection.

1. State the availability of fire protection and list the name and address of the particular force exercising jurisdiction over the subdivision.

2. State whether the service is provided by the municipality or by a volunteer organization.

3. State the distance in terms of road miles from the geographical center of the subdivision to the nearest fire station or substation.

B. Police protection.

State the availability of police protection and list the name and address of the particular force exercising jurisdiction over the subdivision.

C. Garbage and trash collection.

1. State the availability of garbage and trash collection service and the name and address of the company which presently furnishes the service. If garbage and trash collection service is not presently available, state whether such service is proposed; and if it is, give the date on which it will become effective.

2. State whether the cost of the service is to be paid directly by the lot owner or whether the service is to be provided by a municipal agency.

3. If the cost of the service is to be paid directly by the lot owners, state the estimated monthly cost per lot.

D. Public schools.

1. Elementary school.

a. State name and address of the nearest elementary school available to residents of the subdivision.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

2. Junior high school.

a. State name and address of the nearest junior high school available to residents of the subdivision.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

3. High school.

a. State name and address of the nearest high school available to residents of the subdivision.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

E. Medical and dental facilities.

1. Hospital facilities.

a. State the availability of hospital facilities and the name and address of the particular hospitals available to residents of the subdivision.

b. State whether the hospital is publicly or privately owned and whether the services are general or specialized.

c. State the bed capacity of the hospital.

d. State the distance in terms of road miles from the geographical center of the subdivision to the nearest general hospital.

e. State the availability of ambulance service and specify whether this service is furnished by the hospital(s) or by a volunteer organization.

2. Physicians and dentists.

a. State the distance in terms of road miles from the geographical center of the subdivision to physicians' and dentists' offices.

b. State whether or not public transportation is available from the subdivision to the general physicians' and dentists' offices.

F. Public transportation.

1. State whether public transportation is available from the subdivision to nearby municipalities including the frequency, type and estimated cost of service.

2. If no such transportation is available, state whether it will be available and give estimated date of availability.

3. Include in your statement the proposed frequency of service and estimated cost.

4. If public transportation is not presently available from the subdivision, state the distance in road miles to nearest public transportation.

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

A. Will the buyer or lessee be required to pay any property taxes or special assessments to any municipal, governmental or public body after signing the contract of purchase or to lease and prior to delivery of an executed deed or lease? Will the buyer or lessee be required to pay any assessments, dues or other payments to a property owners' association, the developer or any other organization or entity for the maintenance of common facilities or other purposes after signing the contract to purchase or lease and prior to delivery of an executed deed or lease? If the answer to either of the foregoing questions is affirmative, itemize the amounts or rates to be paid and to whom they must be paid.

B. Will the buyer or lessee be required to pay any property taxes or special assessments to any municipal, governmental or public body after taking title? Will the buyer or lessee be required to pay any assessments, dues or other payments to a property owners' association, the developer or any other organization or entity for the maintenance of common facilities or other purposes after taking title? If the answer to either of the foregoing questions is affirmative, itemize the amounts or rates to be paid and to whom they must be paid.

C. If a property owners' association, the developer, or any other organization or entity, exercises or will exercise any control over or provides or will provide any services or maintenance on any lots or common facilities or areas in or adjacent to the development, include:

1. A statement that the association, organization or other entity has been formed or setting forth the steps to be taken to form such association or organization or other entity.

2. A statement setting forth the requirements for membership in the association, organization or other entity and stating whether all lot owners will be members of the association, organization or other entity and if not whether nonmember lot owners will be liable for assessments levied by that association, organization or other entity.

3. Financial statements or pro forma financial statements of any property owners' association, including a Statement of Sources and Application of Funds for the 12-month period ending not earlier than the 60th day prior to the date of the submission of the

Statement of Record and a pro forma Statement of Sources and Application of Funds for the period of time that the developer will control the association. If moneys paid by buyers or lessees as assessments, dues or other payments for the purpose of providing any services or maintenance on any lots or common facilities or areas are received by the developer or any other organization or entity other than a property owners' association, a Statement of Sources and Application of Funds and a pro forma Statement of Sources and Application of Funds covering funds received for such purposes shall be submitted. A financial statement or pro forma financial statement of the developer or other organization or entity shall also be submitted. In no event shall a pro forma Statement of Sources and Application of funds be required to extend beyond 5 years from the date of submission of the Statement of Record. If the developer has no control over the property owners' association or other organization or entity and cannot obtain this information, so state.

4. A statement as to who may use the facilities.

5. A statement of the degree and duration of control of the developer in the association, organization, or other entity.

6. If the association, organization, or other entity has been formed as a legal entity, attach as exhibits copies of articles of association and bylaws or similar documents and a statement from the appropriate State authority confirming that the charter is in effect. If not formed, attach proposed articles of association and bylaws or similar documents, if available.

7. Copy of membership agreement or similar documents.

PART XII. OCCUPANCY STATUS

A. State the approximate number of dwellings in the subdivision at the time of filing.

B. State the number of dwellings which are proposed and the estimated completion date of those dwellings.

C. State the approximate number of dwellings presently occupied, if any.

PART XIII. SHOPPING FACILITIES

A. State what shopping facilities are available to the subdivision. Include available types of stores and consumer services and the distance in terms of road miles from the geographical center of the subdivision to the facilities.

B. State whether public transportation is available to the facility, the frequency of the service and the estimated cost.

PART XIV. FINANCIAL STATEMENT

A. Submit a copy of the latest financial statement of the developer. Such financial statement shall not be more than 6 months old and shall include a balance sheet and a statement of profit and loss.

B. State the means by which the developer will finance the obligations undertaken or proposed and as set forth in this Statement of Record. A statement of past performance in completing obligations undertaken by the developer may be included.

PART XV. AFFIRMATION

§ 1710.110 Property Report and lease addendum.

The Property Report and, if applicable, the lease addendum to be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, as a part of the Statement of Record, and as provided in § 1710.20, shall be prepared in question and answer form. The Property Report shall state verbatim the questions in this section. The developer should then answer the questions directly and completely in accordance with the instructions and format as follows:

INSTRUCTIONS FOR COMPLETING PROPERTY REPORT AND LEASE ADDENDUM

These instructions must be followed in completing the Property Report and lease addendum. All spaces must be completed. This format may not be changed in any respect, except as follows:

a. All references to leases, lessees, and rents should be deleted if no leasing is proposed and the offering is exclusively for sales. In this event, the lease addendum may be disregarded.

b. Spaces provided in the format may be enlarged or extended for the purpose of providing a summary explanation of the subject under discussion but may not be used to insert promotional or advertising matter designed to counteract facts adverse to the interests of the buyer or lessee.

c. Questions on the Property Report must be answered in concise, plain language but should disclose all pertinent facts.

d. The Property Report shall contain information in addition to that elicited by the questions appearing therein if at any time it appears to the Secretary that the inclusion of additional information is necessary or appropriate in the public interest, and the Secretary so advises the developer.

SPECIAL INSTRUCTIONS

The instructions below correspond to the numbered paragraphs in the Property Report:

Paragraph 2a. The effective date of registration is the date the Statement of Record becomes effective under § 1710.21. This date will be left blank in the proposed Property Report. When the developer receives notification of effectiveness from OILSR this date shall be inserted. The final printed copies of the Property Report submitted in accordance with this section must state that date. If the Statement of Record has been amended or consolidated, the date the most recent amendment to the Statement of Record or consolidation became effective should be used.

Paragraph 2b. The legal description of the land offered for sale shall describe the lots adequately to permit identification from the plat maps of the developer and from the public records of the county where located. If all of the lots in a particular section are not being offered for sale, the legal description shall be sufficiently detailed to permit the purchaser to determine whether his lot is included in the offering. The developer shall also state the total number of lots being offered in each section.

Paragraph 3. List the nearest large city or county seat and the population of each. List the total distance to the center of the subdivision from each and the portion of that distance which is paved and unpaved. If the subdivision is located more than 50 miles from either, list also the nearest established community or communities.

Paragraph 4. If the buyer or lessee is exposed to the risk of losing his investment in the event of the developer's failure or bankruptcy, this fact must be made unmistakably clear in this paragraph. Explanations should include any measures designed to protect the buyer's interests, and they must disclose any circumstances under which the buyer would lose his investment either because of his own default or the developer's inability to perform under the sales contract. If there is any prohibition or penalty against the buyer recording the sales contract or lease; so state. Describe also any potential adverse effect on the buyer's interests which may arise from not having his contract recorded. ("Potential adverse effect" includes subordination of the buyer's interest to after-recorded liens on the property.) A statement may be included by the developer describing his past performance in conveying free and clear titles to buyers upon their payment of the full purchase price.

Paragraph 5. Whether the offering includes only cash sales, or installment contracts and leases, explain fully how the buyer or lessee is to be protected against loss of his investment. If a blanket mortgage or other lien is foreclosed against the developer, will the holder of such mortgage or other lien be obligated to perform the agreement with the purchaser or lessee? If not, are the buyer's or lessee's payments and investments in improving the property protected through an escrow or by other means? The buyer or lessee must be told of the possible consequences in the explanation of the answer to this question.

Paragraph 7. Buyers and lessees must be told when their obligation to pay taxes, special assessments and similar charges begins. They should also be made aware of the approximate amount of buyer's or lessee's annual payments, but the items for indicating the amount of taxes and special assessments may be answered by the statement "Consult local taxing authorities."

Paragraph 8(b). Include all limitations upon the buyer's use or enjoyment of the property, including mineral rights reservations.

Paragraph 8(d). In answering this question the following guidelines shall be followed: Examples of unusual noises which might affect the subdivision would include proposed or existing industrial activity, airports or other transportation facilities, animal pens, entertainment centers and the like. Unusual safety factors which might affect the subdivision would include any proposed or existing condition in the area which might create: (1) a physical hazard such as dilapidated abandoned properties, unsafe construction, danger of flooding or located within a 100-year flood plain, air or vehicular traffic hazards, danger from fire or explosion, radiation hazards, and the like; or (2) a noxious odor such as smoke, chemical fumes, stagnant ponds or marshes, slaughterhouses, sewage treatment facilities, and the like. Any such conditions should be fully explained identifying their origin and location and stating whether they are proposed or existing—if existing, whether temporary (include estimated duration) or permanent.

Paragraph 10. Describe arrangements made (contracts supported by completion bonds or escrows, for example) designed to assure completion of the improvements. If no arrangements have been made, state "None." If it later becomes evident that an improvement will not be completed on or before the specified date, amendments to the Statement of Record and Property Report are required. If no sewage disposal arrangements are contemplated, state if land is suitable for the use of septic tanks, describing the results of any percolation tests. State estimated cost to buyer for septic tank. If water is to be provided by private well, indicate (1) estimated completion cost and (2) any other data establishing that a sufficient quantity of potable water is available to each buyer or lessee. If water is to be provided by a private utility, describe assurances for continuous service at reasonable rates.

Paragraph 11. If the developer states that the water supply will be adequate to serve the anticipated population of the area such statement must be supported by an engineer's report or hydrological survey which is to be submitted as Exhibit VIII A-6 of the Statement of Record. If such documentation is unavailable, the answer to this question should state that the developer

has not obtained an engineer's report or a hydrological survey indicating the source and quantity of water in the subdivision and accordingly, there is no assurance that a sufficient quantity of water will be available to serve the anticipated population of the area.

Paragraph 14. The number of homes occupied can be amended to reflect periodic increases subsequent to the initial filing date.

Paragraph 15. Include statement as to nature of terrain (flat, rolling, hilly, mountainous, etc.), type of soil (sandy, swampy, rocky, etc.) and vegetation (cactus, trees, grass, etc.).

ADDITIONAL REQUIREMENTS FOR PROPERTY REPORT

a. The Property Report, as filed with the Statement of Record and in final form to be given to prospective purchasers, shall be on good quality unglazed, white paper, approximately 8½ by 11 to 13 inches in size with margins in final form to be approximately 1 inch at the top, 1 inch at the sides, and one-half inch at the bottom. It shall be in black ink and the type size shall not be smaller than 10 point leaded type of uniform font and in an easily readable style.

b. The questions shall be printed in bold face type and the answers indented below and printed in light face type of the same size. No other portion of the Property Report shall be underscored, italicized or printed in larger or bolder type than the balance of the report, except where the Secretary requires or permits it as being necessary or appropriate in the public interest or for the protection of purchasers.

c. The Secretary may require or permit such additional information to be included in a Property Report or such change in the sequence or position of information required by this section as he may consider necessary or appropriate in the public interest or for the protection of purchasers.

d. The developer shall attach to and file with the Property Report submitted as part of the Statement of Record a statement in the following form:

"The proposed Property Report attached hereto contains the text in its entirety as it is intended to be reproduced for delivery to prospective purchasers of lots in the (insert identification of subdivision)."

e. Within 20 days of the date upon which the Statement of Record is allowed to become effective by the Secretary, 10 copies of the Property Report, in the identical form in which it will be distributed to prospective purchasers, shall be filed with the Secretary. Ten copies of any subsequent reproduction, alteration, duplication or reprint of the Property Report shall be filed with and accepted by the Secretary prior to its use if such subsequent reproduction, duplication or reprint contains any change in content or form.

f. If the amendment to or the consolidation of the Statement of Record causes no change in the Property Report except the effective date of registration, the subsequent effective date of registration may be shown by overprinting on the front cover of the Property Report.

PROPERTY REPORT

NOTICE AND DISCLAIMER BY OFFICE OF INTERSTATE LAND SALES REGISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

This report is not a recommendation or endorsement of the offering herein by the Office of Interstate Land Sales Registration, nor has that office made an inspection of the property nor passed upon the accuracy or adequacy of this report or any promotional or advertising materials used by the seller.

It is in the interest of the buyer or lessee to inspect the property and carefully read all sale or lease documents.

Prospective buyers and lessees are notified that unless they have received this Property Report prior to, or at the same time they enter into a contract, they may void the contract by notice to the seller.

Unless a buyer or lessee acknowledges in writing that he has read the report and personally inspected the lot prior to signing his contract, he may revoke his contract within 48 hours from the signing of his contract, if he has received the Property Report less than 48 hours prior to signing such contract.

1. Name(s) of developer_____
   Address _____
2. Name of subdivision_____
   Location _____County, State of _____
   a. Effective date of Property Report_____
   b. This offering consists of_____
3. List names and populations of surrounding communities nd list distances over paved and unpaved roads to the subdivision.

Name of community	Population	Distance over paved roads	Unpaved roads	Total
a.				
b.				
c.				
d.				
e.				

4. If periodic payments are to be made by a buyer (as in the case of installment sales contracts) complete all items under this paragraph 4. If not, enter "Not Applicable."

a. Will the sales contract be recordable? Yes or No?

b. In the absence of recording, could the developer's creditors or others acquire title to the property free of any obligation to deliver a deed to the buyer when final payment has been made under the sales contract? Yes or No?_____ Explain. _____

c. What provision, if any, has been made for refunds if buyer defaults?

d. State prepayment penalties or privileges, if any.

5. Is there a blanket mortgage or other lien on the subdivision or portion thereof in which the subject property is located? Yes or No? If yes, list below and describe arrangements, if any, for protecting interests of the buyer or lessee if the developer defaults in payment of the lien obligation. If there is such a blanket lien, describe arrangements for release to a buyer of individual lots when the full purchase price is paid.

	Type of lien	*Effect on buyers if developer defaults*
a.	_____	_____
b.	_____	_____
c.	_____	_____

6. Does the offering contemplate leases of the property in addition to, or as distinguished from, sales? Yes or No? If yes, a lease addendum must be completed, attached, and made a part of the Property Report.

7. Is buyer or lessee to pay taxes, special assessments, or to make payments of any kind for the maintenance of common facilities in the subdivision (a) before taking title or signing of lease or (b) after taking title or signing of lease? If yes, complete the schedule below:

	Approximate amount of buyer's or lessee's annual payments
Taxes _____	$_____
Special assessments_____	_____
Payments to property owner's association _____	_____
Other _____	_____
Specify _____	_____

8. (a) Will buyer's downpayment and installment payments be placed in escrow or otherwise set aside? Yes or No? If yes, with whom? If not, will title be held in trust or in escrow?

(b) Except for those property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, will buyer receive a deed free of exceptions? Yes or No? If no, list all restrictions, easements, covenants, reservations and their effect upon buyer.

(c) Buyer should determine permissible uses of the property from local zoning authorities.

(d) List all existing or proposed unusual conditions relating to noise or safety which affect or may affect the subdivision.

9. (a) List all recreational facilities currently available (e.g., television, sports, beaches, etc.). State any costs or assessments to buyer or lessee.

(b) If facilities are proposed or partly completed, state promised completion date, provisions to insure completion, and all estimated cost or assessments to buyer or lessee.

10. State whether the following are now available in the subdivision: Garbage and trash collection, sewage disposal, paved streets, electricity, gas, water, telephone. If yes, state any estimated costs to buyer or lessee. If proposed or partly completed, state promised completion date, provisions to insure completion and give estimate of all costs including maintenance costs to buyer or lessee.

11. Will the water supply be adequate to serve the anticipated population of the area?

12. Is any drainage of surface water, or use of fill necessary to make lots suitable for construction of a one-story residential structure? Yes or No? If yes, state whether any provision has been made for drainage or fill and give estimate of any costs buyer would incur.

13. State whether any of the following are currently available in the subdivision: Schools; medical facilities (hospitals, doctors, dentists); shopping facilities. List availability of public transportation to, and distance of facility from geographical center of subdivision. If facility is proposed or partly completed, state promised completion date and any provisions to insure completion.

14. Approximately how many homes were occupied as of _____ (insert date of filing)?

15. State elevation of the highest and lowest lots in the subdivision and briefly describe topography and physical characteristics of the property.

16. Will any subsurface improvement, or special foundation work be necessary to construct one story residential or commercial structures on the land? Yes or No? If yes, state if any provision has been made and estimate any costs buyer would incur.

17. Are all lots and common facilities legally accessible by public road or street? Yes or No? If not, explain.

18. Has land, in the subdivision been platted of record? Yes or No? If not, has it been surveyed? Yes or No? If not, state estimated cost to buyer to obtain a survey.

19. Are lots staked or marked so that buyer can locate his lot(s)? Yes or No?

LEASE ADDENDUM

1. State term of lease.
2. Will the lease be recordable? Yes or No?
3. Is there any prohibition or penalty against the lessee for recording the lease? Yes or No? If yes, explain.
4. Can the owner's or developer's creditors or others acquire title to the property free of any obligation to continue the lease? Yes or No? Explain.
5. Describe whether rental payments are flat sums or graduated. Describe any provisions for increase of rental payments during the term of the lease.
6. Are there any provisions in lease prohibiting assignment and/or subletting? Yes or No? If yes, describe.
7. Summarize termination provisions in the lease.
8. Does the lease prohibit the lessee from mortgaging or otherwise encumbering the leasehold? Yes or No?
9. Will lessee be permitted to remove improvement when lease expires?

§ 1710.115 State Property Report disclaimer.

If the developer is filing with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, pursuant to § 1710.25, the following statement must be delivered to each purchaser simultaneously with the delivery of the State Property Report:

STATE PROPERTY REPORT DISCLAIMER

NOTICE AND DISCLAIMER BY OFFICE OF INTERSTATE LAND SALES REGISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development has accepted this (name of State) (name of Property Report i.e. Public Offering Statement, Subdivision Report, etc.) as the Property Report on this subdivision.

This report is not a recommendation or endorsement of the offerings herein by the Office of Interstate Land Sales Registration, nor has that Office made an inspection of the property nor passed upon the accuracy or adequacy of this report or of any promotional or advertising materials used by the seller. Information contained herein has been filed with the State of_____and the Office of Interstate Land Sales Registration.

It is in the interest of the buyer to inspect the lot and to read all contract documents before signing the contract to purchase or lease.

Prospective buyers and lessees are notified that unless they have received this Property Report prior to, or at the same time they enter into a contract, they may void the contract by notice to the seller.

Unless a buyer or lessee acknowledges in writing that he has read the report and personally inspected the lot prior to signing his contract, he may revoke his contract within 48 hours from signing his contract if he has received the Property Report less than 48 hours prior to signing such contract.

Although a Statement of Record has been filed with the Office of Interstate Land Sales Registration, the filing has not been examined or verified.

§ 1710.120 Statement of Record—State filing.

If the developer is filing pursuant to § 1710.25, there shall be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, a statement as follows:

Section I. State Filings—The following information shall preface the State Statement of Record or similar instrument and shall be done in accordance with the general instructions set forth in § 1710.105 for Part I, Administrative Information, and Part III, Identity of Interest in More Than One Filing, and shall be set forth in the following format.

Employer's IRS number_____
Developer:_____
Owner:_____

STATEMENT OF RECORD

Name of subdivision:_____
Location: _____
State of filing:_____
Name of developer:_____
Developer's address:_____
Authorized agent:_____
Authorized agent's address:_____

ADMINISTRATIVE INFORMATION

A. Identification and filing information:
1. _____
2. _____
3. _____

B. General information:
1. _____
2. _____
3. _____
4. _____
5. _____
6. Acres owned_____
Acres under option or other similar arrangement_____
Total _____

C. Filings with State authorities:
1. _____
2. _____

D. Supporting documentation:
1. _____
2. _____

IDENTITY OF INTEREST IN MORE THAN ONE FILING

Subdivision _____
Location _____
OILSR number_____
Date of filing_____

SEC. II. A. Submit all of the information, documentation, and certifications or affirmations submitted to the State.

B. If the State does not require the information and documentation required in Part II, C. of § 1710.105, submit such information and documentation.

C. The contract of sale or lease which will be executed by prospective purchasers or lessees must contain language (a) giving the purchaser the option to void the contract or agreement if he does not receive a Property Report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of, or at the time of, his signing the contract or agreement, and (b) giving the purchaser the right to revoke the contract or agreement within 48 hours after signing the contract or agreement if he did not receive the Property Report at least 48 hours before signing the contract or agreeemnt. (The contract or agreement may stipulate that the revocation authority shall not apply in the case of a purchaser who (1) has received the Property Report and inspected the lot to be purchased or leased in advance of signing the contract or agreement, and (2) asknowledges by his signature ,that he has made such inspection and has read and understood such report.)

D. Consolidation—Incorporation by Reference: If a filing is for an offering of lots to be sold pursuant to a common promotional plan and there has been an earlier filing with OILSR for lots offered under the same promotional plan and if the State has approved a consolidation to such filing, the consolidated material, as approved, shall be filed with the Secretary. The OILSR number shall appear at the top of each page of the material submitted. Any such filing shall be made with the Secretary within 5 days after it becomes effective under the applicable State laws and shall meet the requirements of § 1710.27 of this part.

SEC. III. *Affirmation.* I hereby affirm that I am the developer of the lots herein described or will be the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this Statement of Record and any supplement thereto, together with any documents submitted herewith, are full, true, complete, and correct;

That I have complied with the land development and disclosure requirements of the State of _____ (State of filing);

That the material submitted is a true and accurate copy of the material filed with the State of _____ (State of filing);

That the material submitted is a true and accurate copy of the material filed with the State of _____; and

That the fees accompanying this application are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

_____ _____
(Date) (Signature)

_____ _____
(Corporate seal if applicable) (Title)

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a Statement of Record filed under, or in a Property Report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact * * * shall upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both."

§ 1710.125 *Partial Statement of Record—request for exemption.*

Requests for an exemption order or an exemption advisory opinion pursuant to § 1710.14 or § 1710.15(c) shall be prepared in accordance with the following instructions:

INSTRUCTIONS FOR COMPLETION OF PARTIAL STATEMENT OF RECORD—REQUEST FOR EXEMPTION

The partial Statement of Record shall be prepared in the manner shown below and shall contain the information requested, as follows:

Employer's IRS No._____
Developer _____
Owner _____

STATEMENT OF RECORD

Name of subdivision_____
Location _____
Name of developer_____
Developer's address_____
Authorized agent_____
Authorized agent's address_____

Part I. Administrative Information, shall be filed in the form set forth in § 1710.105 followed by the affirmation and agreement as set forth below:

The filing of this information does not preclude a developer from filing a complete

Statement of Record. If the developer files the material necessary to complete the Statement of Record, the date of filing shall be the date the complete Statement of Record is received by the Secretary.

AFFIRMATION AND AGREEMENT

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time the lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this partial Statement of Record and any supplement thereto, together with any documents submitted are full, true, complete, and correct;

That, if this request is filed pursuant to 24 CFR 1710.14(a)(2) the developer hereby affirms and represents to the Secretary that the facts, affirmations and method of operation are within the requirements of 24 CFR 1710.14(a)(2) subparagraphs (i), (ii), (iii), (iv), and (v);

That the fee accompanying this application is in the amount required by the regulations of the Office of Interstate Land Sales Registration;

That I agree that this filing is a partial Statement of Record and that the receipt of this filing by the Secretary shall not be the date of filing of a Statement of Record for the purpose of determining the effective date thereof; and

That if the Secretary advises that the offering is not exempt, I agree to file the remaining portions of the Statement of Record as set forth in § 1710.105 of these rules and regulations prior to any offering and that the date of the receipt of the complete Statement of Record by the Secretary shall be the date of filing for the purpose of determining the effective date of the Statement of Record.

(date)	(signature)
(corporate seal if applicable)	(title)

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto * * *, shall upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both."

(Sec. 1419, 82 Stat. 598, 15 U.S.C. 1718, Secretary's delegation published 36 F.R. 5006)

Issued at Washington, D.C., October 27, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.71-15931 Filed 11-2-71;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Gain From Dispositions of Certain Depreciable Realty

Proposed regulations under section 1250 of the Internal Revenue Code of 1954, relating to gain from dispositions of certain depreciable realty, appear in the FEDERAL REGISTER for March 5, 1971 (36 F.R. 4388).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, November 30, 1971, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by November 17, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by November 24, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is Twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-16178 Filed 11-2-71;10:33 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Parts 311, 312]

IMPORTATION AND EXPORTATION OF CONTROLLED SUBSTANCES

Notice of Proposed Rule Making

Under the authority vested in the Attorney General by sections 1002, 1003, 1007, and 1008 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby proposes that Parts 311 and 312 of Title 21 of the Code of Federal Regulations be amended as follows:

1. By deleting § 312.13 and replacing it with the following:

§ 312.13 Issuance of import permit.

(a) The Director may authorize importation of any controlled substance listed in schedule I or II or any narcotic drug listed in schedule III, IV, or V if he finds:

(1) That the substance is crude opium or coca leaves in such quantity as he finds necessary to provide for medical, scientific, or other legitimate purposes;

(2) That the substance is necessary to provide for medical and scientific needs or other legitimate needs of the United States during an emergency where domestic supplies of such substance or drug are found to be inadequate, or in any case in which the Director finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 of the Controlled Substances Act (21 U.S.C. 823); or

(3) That the domestic supply of any controlled substance is inadequate for scientific studies, and that the importation of that substance for scientific purposes is only for delivery to officials of the United Nations, of the United States, or of any State, or to any person registered or exempted from registration under sections 1007 and 1008 of the Act (21 U.S.C. 957 and 958).

(b) If after careful consideration of the application, it is found that approval cannot be given, and if additional information is required, or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded the prospective importer by the Director to furnish such additional information or to correct such mistake or irregularity before the application is finally disapproved.

(c) Each import permit shall be issued in sextuplet and serially numbered, with all six copies bearing the same serial number and being designated "original" (Copy 1), "duplicate" (Copy 2), etc., respectively. All copies of import permits shall bear the signature of the Director or his delegate, and facsimiles of signatures shall not be used. No permit shall be altered or changed by any person after being signed by the Director or his delegate and any change or alternation upon the face of any permit after it shall have been signed by the Director or his delegate shall render it void and of no effect. Permits are not transferable. Each copy of the permit shall have printed or stamped thereon the disposition to be made thereof. Each permit shall be dated and shall certify that the importer named therein is thereby permitted as a registrant under the Act, to import, through the port named, one shipment of not to exceed the specified quantity of the named controlled substances, shipment to be made before a specified date. Not more than one shipment shall be made on a single import permit. The permit shall state that the Director is satisfied that the consignment proposed to be imported is required for legitimate purposes.

2. By deleting § 312.23 and replacing it with the following:

§ 312.23 Issuance of export permit.

(a) The Director may authorize exportation of any controlled substance listed in schedule I or II or any narcotic controlled substance listed in schedule

III or IV if he finds that such exportation is permitted by subsections 1003 (a), (b), (c), or (d) of the Act (21 U.S.C. 953 (a), (b), (c), or (d)).

(b) If after careful consideration of the application it is found that approval cannot be given, and additional information is required, or other action is necessary to correct any mistake or irregularity in the application or accompanying documents, opportunity will be afforded the prospective exporter by the Director to furnish such additional information or to correct such mistake or irregularity before the application is finally disapproved.

(c) Each export permit shall be issued in septuplet and serially numbered, with all seven copies bearing the same serial number and being designated "original" (Copy 1), "duplicate" (Copy 2), etc., respectively. Each export permit shall be predicated upon a separate import certificate or other documentary evidence, and not more than one shipment shall be made thereon. Export permits are not transferable.

(d) No export permit shall be issued for the exportation of any narcotic drug to any country when the Director has information to show that the estimates submitted with respect to that country for the current period, under the Narcotic Limitation Convention of 1931, or the Single Convention on Narcotic Drugs of 1961, have been, or, considering the quantity proposed to be imported, will be exceeded. If it shall appear, through subsequent advice received from the International Narcotic Control Board of the United Nations that the estimates of the country of destination have been adjusted to permit further importation of the narcotic drug, an export permit may then be issued if otherwise permissible.

3. By adding seven new sections as follows:

§ 312.41 Hearings generally.

(a) In any case where the Director shall hold a hearing regarding the denial of an application for an import or export permit, the procedures for such hearing shall be governed generally by the rulemaking procedures set forth in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by sections 1002 and 1003 of the Act (21 U.S.C. 952 and 953), by §§ 312.42–312.47, and by the procedures for administrative hearings under the Act set forth in §§ 316.41–316.67 of this chapter.

§ 312.42 Purpose of hearing.

(a) If requested by an interested person, who presents reasonable grounds therefor, the Director shall hold a hearing for the purpose of receiving factual evidence regarding the issues involved in the denial of an application for an import or export permit.

(b) The Director need not hold a hearing on the denial of an application for an import or export permit separate from a hearing on the suspension, revocation or denial of a registration to import or export, held pursuant to §§ 311.51–311.53 of this chapter.

(c) Extensive argument should not be offered into evidence but rather presented in opening or closing statements of counsel or in memoranda or proposed findings of fact and conclusions of law.

§ 312.43 Waiver or modification of rules.

The Director or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this part by notice in advance of the hearing, if he determines that no party in the hearing will be unduly prejudiced and the ends of justice will thereby be served. Such notice of modification or waiver shall be made a part of the record of the hearing.

§ 312.44 Request for hearing or appearance; waiver.

(a) Any person who desires a hearing on the denial of his application for an import or export permit shall, within 30 days after the date of receipt of the denial of his application for an import or export permit, file with the Director a written request for a hearing in the form prescribed in § 316.47 of this chapter.

(b) Any interested person who desires to participate in a hearing on the denial of an application for an import or export permit shall, within 30 days of the date of publication of notice of the hearing in the FEDERAL REGISTER, file with the Director a written notice of his intention to participate in such hearing in the form prescribed in § 316.48 of this chapter. Any person filing a request for a hearing need not also file a notice of appearance; the request for a hearing shall be deemed to be a notice of appearance.

(c) Any person entitled to a hearing or to participate in a hearing pursuant to § 312.13 or § 312.23 may, within the period permitted for filing a request for a hearing or a notice of appearance, file with the Director a waiver of an opportunity for a hearing or to participate in a hearing, together with a written statement regarding his position on the matters of fact and law involved in such hearing. Such statement, if admissible, shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to matters of fact asserted therein.

(d) If any person entitled to a hearing or to participate in a hearing pursuant to § 312.13 or § 312.23, fails to file a request for a hearing or a notice of appearance, or if he so files and fails to appear at the hearing, he shall be deemed to have waived his opportunity for the hearing or to participate in the hearing, unless he shows good cause for such failure.

(e) If all persons entitled to a hearing or to participate in a hearing waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing, if scheduled, and issue his final order pursuant to § 312.47 without a hearing.

§ 312.45 Burden of proof.

At any hearing regarding the denial of an application for an import or export permit, each person entitled to, or participating in, the hearing shall have the burden of proving any propositions of fact or law asserted by him in the hearing.

§ 312.46 Time and place of hearing.

(a) If any person entitled to a hearing or to participate in a hearing pursuant to § 312.13 or § 312.23 requests a hearing on the denial of an application for an import or export permit, the Director shall hold such hearing. Notice of the time and place of the hearing shall be given at least 30 days prior to the hearing, unless such notice is waived and it is requested that the hearing be held at an earlier time, in which case the Director shall fix a date for such hearing as early as reasonably possible.

(b) The hearing will commence at the place and time designated in the notice given pursuant to paragraph (a) of this section or in the notice of hearing published in the FEDERAL REGISTER pursuant to § 312.44(b), but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

§ 312.47 Final order.

As soon as practicable after the presiding officer has certified the record to the Director, the Director shall issue his order on the denial of the application for an import or export permit. The order shall include the findings of fact and conclusions of law upon which the order is based. The Director shall serve one copy of his order upon each party in the hearing.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, DC 20537, and must be received no later than 30 days after publication of this proposal in the FEDERAL REGISTER.

Dated: October 22, 1971.

JOHN FINLATOR,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.71-16011 Filed 11-2-71;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Standard Requirements

Notice is hereby given in accordance with the provisions contained in section 553(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses,

serums, toxins, and analogous products in Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

The use of inhibitors or neutralizers of preservatives would be provided for in § 113.25(d); the use of Fluid Thioglycollate Medium instead of Soybean-Casein Digest Medium for testing biological products containing mercurial preservatives would be provided for in § 113.26(a)(3); and incubation temperatures in § 113.26(b)(3) would be adjusted to the proposed changes in § 113.26(a)(3).

1. Section 113.25(d) is amended to read:

§ 113.25 Culture media for detection of bacteria and fungi.

* * * * *

(d) A determination shall be made by the licensee for each biological product of the ratio of inoculum to medium which shall result in sufficient dilution of such product to prevent bacteriostatic and fungistatic activity. The determination may be made by tests on a representative biological product for each group of comparable products containing identical preservatives at equal or lower concentrations.

Inhibitors or neutralizers of preservatives, approved by the Director, may be considered in determining the proper ratio.

2. Section 113.26 (a)(3) and (b)(3) are amended to read:

* * * * *

§ 113.26 Detection of viable extraneous bacteria and fungi in all biological products except live vaccines.

* * * * *

(a) * * *

(3) Soybean-Casein Digest Medium shall be used to test biological products for fungi; provided, that Fluid Thioglycollate Medium without beef extract shall be substituted when testing biological products containing mercurial preservatives.

(b) * * *

(3) Incubation shall be for an observation period of 14 days at 30° to 35° C. to test for bacteria and 14 days at 20° to 25° C. to test for fungi.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to the Veterinary Biologics Division, Federal Center Building, Hyattsville, Md. 20782, within 60 days after date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 28th day of October 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-15993 Filed 11-2-71;8:47 am]

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Notice of Proposed Rule Making With Respect to Expenses, Rate of Assessment, and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932, 36 F.R. 20355), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that the expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1971, through August 31, 1972, will amount to $558,850.

(b) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each first handler in accordance with § 932.39, at $10 per ton of olives.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended August 31, 1971, shall be carried over as a reserve in accordance with the applicable provisions of §§ 932.40 and 932.203 of the marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-16029 Filed 11-2-71;8:50 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Parts 101–17, 101–18, 101–20]

CONSIDERATION OF SOCIOECONOMIC IMPACT WHEN SELECTING LOCATIONS FOR FEDERAL BUILDINGS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 533 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the General Services Administration is considering an amendment to 41 CFR 101–17—Public Buildings and Space, 41 CFR 101–18—Acquisition of Real Property, and 41 CFR 101–20—Assignment and Utilization of Space. The revisions will establish agency policy for applying socioeconomic considerations to selecting locations for Federal buildings in order to implement Executive Order No. 11512 of February 27, 1970.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Commissioner of Public Buildings, General Services Administration, Room 6340, General Services Buiding, 19th and F Streets NW., Washington, DC 20405, within 30 calendar days following publication of this notice in the FEDERAL REGISTER.

Dated: October 28, 1971.

ARTHUR F. SAMPSON,
Commissioner,
Public Buildings Service.

As proposed, the amendment to the regulations would read as follows:

This amendment provides for: (1) Inclusion of new legislative and Executive order citations to the authorities being implemented in Parts 101–17, 101–18, and 101–20; (2) revision of the policy statements in §§ 101–17.102, 101–18.102, and 101–20.002 to include considerations required by such acts and orders in the planning for new public buildings, in the acquisition of space by lease, and in the assignment and utilization of space; (3) the implementation of these policies in providing buildings and space for Federal agencies in accordance with existing authority in a manner designed to exert a positive economic and social influence on the development or redevelopment of the areas in which such facilities will be located; and (4) minor editorial corrections.

PART 101–17—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

The table of contents for Part 101–17 is amended by adding the following new entries:

Sec.

101–17.104 Application of socioeconomic considerations.

101–17.104–1 Location of buildings.

Sec.

Section 101–17.001 is revised to read as follows:

§ 101–17.001 Authority.

This Part 101–17 implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; the Public Buildings Act of 1959, as amended (40 U.S.C. 601–615); Public Law 90–480, approved August 12, 1968, 82 Stat. 718 (42 U.S.C. 4151–4156); the Clean Air Act (42 U.S.C. 1857); the Federal Water Pollution Control Act (33 U.S.C. 1151–1174); the Intergovernmental Cooperation Act of 1968, 82 Stat. 1105 (40 U.S.C. 533); the Agricultural Act of 1970, 84 Stat. 1383; Executive Order 11507 of February 4, 1970; Executive Order 11508 of February 10, 1970; Executive Order 11512 of February 27, 1970 (3 CFR); and title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, section 808(d)).

Subpart 101–17.1—General

1. Section 101–17.102 is revised to read as follows:

§ 101–17.102 Basic policy.

(a) In the process of developing building projects, the following policies will be observed:

(1) Material consideration will be given to the efficient performance of the missions and programs of the executive agencies and the nature and function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees;

(2) Consideration will be given in the delineation of areas and the selection of sites for the development of Federal facilities to the need for development and redevelopment of areas and the development of new communities and the impact a selection will have on improving social and economic conditions in the area. In determining these conditions, the Administrator will consult with and receive advice from the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and others, as appropriate;

(3) Maximum use will be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies;

(4) Suitable privately owned space will be acquired only when satisfactory Government-owned space is not available and only at rental charges which are consistent with prevailing rates in the community for comparable facilities;

(5) Space planning and assignments will take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration;

(6) Consider to the maximum possible extent the availability for employees of low and moderate income housing without discrimination because of race, color, religion, or national origin; adequate access from other areas of the urban center; and adequacy of parking.

(7) Proposed developments will be, to the greatest extent practicable, consistent with State, regional, and local plans and programs; and Governors, local elected officials, and regional comprehensive planning agencies will be consulted in the planning of such developments.

(b) In accordance with the provisions of section 901(b) of the Agricultural Act of 1970 (84 Stat. 1358), insofar as practicable, new offices and other facilities will be located in areas or communities of low population density in preference to areas or communities of high population density, due consideration being given to the provisions of section 7(a) of the Public Buildings Act of 1959, as amended (40 U.S.C. 606(a)), and Executive Order 11512 of February 27, 1970 (3 CFR).

(c) GSA will plan the construction and alteration of Federal facilities at a rate that will reduce the total amount of rental space, provide for Federal operations to be housed in Government-owned space, and replace Government-owned facilities becoming obsolete, with modern functional structures that meet present day requirements for efficient and economical operations.

(d) GSA will provide technical services and guidance to other Federal agencies in the formulation and development of their programs for construction and alteration of special facilities.

(e) Excess properties transferred to GSA will be renovated and altered whenever practical to meet Government space needs.

(f) In selecting sites for public buildings, consideration will also be given to:

(1) Maximum utilization of Government-owned land (including excess land) whenever it is adequate, economically adaptable to requirements, and properly located, where such is consistent with the provisions of Executive Order 11508 of February 10, 1970, and § 101–47.8;

(2) A site adjacent to or in the proximity of an existing Federal building which is well located and is to be retained for long-term occupancy; and

(3) Suitable sites in established civic or redevelopment centers which are well planned and properly financed with development initiated and insured.

(g) The design of new buildings shall provide requisite and adequate facilities in an architectural style and form which is distinguished and which will reflect the dignity, enterprise, vigor, and stability of the U.S. Government. Major emphasis shall be placed on the choice of designs that embody the finest contemporary American architectural thought. Specific attention shall be paid to the possibilities of incorporating into such designs qualities which reflect the regional architectural traditions of that part of the Nation in which buildings are located.

(h) In the alteration of existing buildings, GSA will maintain architectural integrity and compatibility with the existing structures.

(i) In the design of new public buildings, and to the extent feasible in the alteration of existing public buildings, GSA will (1) insure that such buildings and attendant facilities will be accessible to and usable by the physically handicapped (42 U.S.C. 4151–4156), and (2) utilize, to the maximum extent, modern methods and techniques for the control of air and water pollution (Clean Air Act, 42 U.S.C. 1857; Federal Water Pollution Control Act, 33 U.S.C. 1151–1174).

(j) In the siting and locating of buildings on selected sites, GSA representatives will work directly with local officials in seeking to conform as closely as possible to local zoning regulations.

(k) In the design of new public buildings and alterations to public buildings, locally approved and/or nationally recognized building and performance codes, standards, and specifications will be followed as minimum requirements.

(l) Parking for Government-owned vehicles, visitors, and employees will be provided in the planning of public buildings with due regard to the needs of the Federal agencies to be housed in each building, local zoning and parking regulations, availability of public transportation, and availability of planned and existing public and privately owned parking facilities in the locality.

(m) Fine arts, as appropriate, will be incorporated in the design of selected new public buildings. Fine arts, including painting, sculpture, and artistic work in other mediums, will reflect the national cultural heritage and emphasize the work of living American artists.

2. Section 101–17.104 is added as follows:

§ 101–17.104 Application of socioeconomic considerations.

The purpose of this section is to provide an effective, systematic arrangement to assure for Federal employees the availability of low- and moderate-income housing without discrimination because of race, color, religion, or national origin and to influence the improvement in social and economic conditions in the area of Federal buildings.

§ 101–17.104–1 Location of buildings.

(a) GSA in all its determinations with respect to the location of federally constructed buildings and the acquisition of leased buildings will consider to the maximum possible extent the availability for employees of low and moderate income housing without discrimination because of race, color, religion, or national origin and will affirmatively further the purposes of title VIII of the Civil Rights Act of 1968.

(b) Final decisions of the Administrator will be based on the determination that such decisions will improve the management and administration of governmental activities and services and will

foster the programs and policies of the Federal Government.

§ 101–17.104–2 Agreement with Secretary of Housing and Urban Development.

(a) The Administrator has entered into an agreement with the Secretary of Housing and Urban Development to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report findings to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis with respect to proposed locations for a federally constructed building or major lease action having a significant socioeconomic impact on a community.

(b) HUD will advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, once a site has been selected for a federally constructed building or a lease executed for space, as well as to assist in increasing the availability of such housing through its own programs.

§ 101–17.104–3 Consultation with HUD.

(a) In the initial selection of a city or delineation of a general area for location of public buildings or leased buildings, GSA will provide the earliest possible notice to HUD of information with respect to such decisions. Regional offices of HUD, as identified by the Secretary of Housing and Urban Development, and local planning and housing authorities will be consulted concerning the present and planned availability of low- and moderate-inome housing on a nondiscriminatory basis in the area where the project is to be located during the survey preliminary to the preparation and submission of the project development report. A copy of the prospectus for each public building or lease-construction project will be provided to HUD.

(b) Regional office representatives of HUD, as designated by the Secretary of Housing and Urban Development, will participate in site investigations for the purpose of providing a report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation.

(c) The advice of HUD will constitute the principal basis for GSA's consideration of the availability of housing as described in this § 101–17.104. The Regional Director, PBS, will advise the HUD representative when the GSA site investigator recommends a site for selection which has been reported unfavorably by HUD. In the event the disagreement between HUD and GSA representatives at the area or regional level is not resolved, HUD shall advise the Administrator of such disagreement within 5 workdays and specify the time required to properly present its views for headquarters review.

(d) GSA will provide HUD with a written explanation when, after headquarters review, a location is selected which HUD reported inadequate with respect to the availability to such location of low- and moderate-income housing on a nondiscriminatory basis.

§ 101–17.104–4 Affirmative action plan.

When a site has been selected or lease entered into and HUD has determined that, with respect to such location, the supply of low- and moderate-income housing on a nondiscriminatory basis is inadequate to meet the needs of the personnel of the agency or agencies involved, an affirmative action plan shall be developed. The plan shall be designed to insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provision of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist its personnel to obtain such housing. As part of any plan, during as well as after its development, HUD will give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

§ 101–17.104–5 Agency compliance.

(a) Agencies are required to cooperate with the Administrator and provide such information as may be necessary to effectively comply with these regulations and to cooperate with the Secretary of Housing and Urban Development to affirmatively further the purposes of title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601).

(b) As a minimum, agencies are required to determine the number of positions by grade and an estimate of the number of employees whose jobs are being moved. Further details, such as family income and size, minority status, present home location, and status as head-of-household, may also be required depending upon the type, scope, and circumstances of the relocation. GSA will advise agencies concerning specific situations.

(c) Federal agencies who will relocate shall provide counseling and referral service to assist their personnel in obtaining housing. GSA and HUD will cooperate in this effort.

PART 101–18—ACQUISITION OF REAL PROPERTY

The table of contents for Part 101–18 is amended by adding the following new entry:

Sec.
101–18.109 Application of socioeconomic considerations.

Subpart 101–18.1—Acquisition by Lease

1. Section 101–18.101 is revised to read as follows:

§ 101–18.101 Authorities of subpart.

This Subpart 101–18.1 implements section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(h)(1); the Act of August 27, 1935 (40 U.S.C. 304c), Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); the Intergovernmental Cooperation Act of 1968, 82 Stat. 1105 (40 U.S.C. 533); the Agricultural Act of 1970, 84 Stat. 1383; Executive Order 11512 of February 27, 1970 (3 CFR); and title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601 section 808(d)).

2. Section 101–18.102 is revised to read as follows:

§ 101–18.102 Basic policy.

(a) GSA will lease space in privately owned buildings and land only when needs cannot be satisfactorily met in Government-owned or presently leased space, or when the construction or alteration of a Federal building or the purchase of a privately owned building is not warranted because requirements in the community are insufficient or are indefinite in scope or duration, or completion of a new building within a reasonable time cannot be assured.

(b) Acquisition of space by lease will be on the basis most favorable to the Government, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales in the community for comparable facilities.

(c) Acquisition of space by lease will be by negotiation except where all the factors are present which will permit true competition and where the formal sealed bid method is required by law. In negotiating, competition will be obtained to the maximum extent practical among suitable available locations meeting minimum Government requirements.

(d) When acquiring space by lease and subject to the provisions of § 101–18.109:

(1) Material consideration shall be given to the efficient performance of the missions and programs of the executive agencies and the nature and function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees;

(2) Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in the area. In determining these conditions the Administrator shall consult with and receive advice from the Secretary of Housing and Urban Development, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and others, as appropriate;

(3) Maximum use shall be made of existing Government-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies;

(4) Suitable privately owned space shall be acquired only when satisfactory Government-owned space is not available, and only at rental charges which are consistent with prevailing rates in the community for comparable facilities;

(5) Space planning and assignments shall take into account the objective of consolidating agencies and constituent parts thereof in common or adjacent space for the purpose of improving management and administration; and

(6) The availability of adequate low- and moderate-income housing on a nondiscriminatory basis, adequate access from other areas of the urban center, and adequacy of parking will be considered.

(e) Lease-construction projects required to be authorized in accordance with or in the manner provided by the provisions of the Public Buildings Act of 1959 will be, to the greatest extent practicable, consistent with State, regional, and local plans, programs, and local zoning regulations; and Governors, local elected officials, and regional comprehensive planning agencies will be consulted in the planning of the proposed development of such Federal facilities.

(f) Insofar as practicable, leased space for new offices and other facilities will be located in areas or communities of low population density, due consideration being given to the provisions of Executive Order No. 11512 of February 27, 1970 (3 CFR).

3. Section 101–18.104(e)(3) is revised to read as follows:

§ 101–18.104 Acquisition by other agencies.

* * * * *

(e) * * *

(3) The space is acquired by the U.S. Postal Service for postal purposes.

4. Section 101–18.106–1 is revised as follows:

§ 101–18.106–1 List of special purpose space.

* * * * *

(d) [Reserved]

* * * * *

(f) Department of Housing and Urban Development: Space used for residential and related purposes.

* * * * *

(j) Treasury Department: Garage space held under service contracts.

* * * * *

(l) Department of the Interior:

(1) Space in buildings and land incidental thereto used by field crews of the Bureau of Reclamation, Bureau of Land Management, the Geological Survey, and the Federal Water Pollution Control Administration for periods of less than 1 year in remote areas where no other Government agencies are quartered;

(2) Garage space held under service contract used by the Geological Survey and the Bureau of Land Management;

(3) Laboratory, storage and related space, and land incidental thereto for use by the Federal Water Pollution Control Administration for periods of 1 year situated outside urban areas; including sites for mobile (trailer) laboratories and docking and mooring facilities.

* * * * *

(p) Department of Transportation:

(1) U.S. Coast Guard: Plots of land and pier sites, including closed storage space required in combination with piers and docking and mooring facilities; space for the oceanic unit at Woods Hole, Mass.; and space for port security activities;

(2) Federal Aviation Administration: All space located at airports, the Aeronautical Center at Oklahoma City, Okla., air route traffic control centers, garage space held under service contracts, and land.

5. Section 101–18.107(c) is revised to read as follows:

§ 101–18.107 Limitations on the use of delegated authority.

* * * * *

(c) Agencies having a need for other than temporary parking accommodations in the urban centers listed in § 101–18.104, for Government-owned motor vehicles not regularly housed by GSA, shall ascertain the availability of Government-owned or controlled parking from GSA in accordance with the procedure outlined in § 101–20.102–6 prior to instituting procurement action to acquire parking facilities or services.

6. Section 101–18.109 is added as follows:

§ 101–18.109 Application of socioeconomic considerations.

(a) In acquiring space by lease, locations will be avoided which will work a hardship on employees because (1) there is a lack of adequate housing for low- and middle-income employees on a nondiscriminatory basis within reasonable proximity, and (2) the location is not readily accessible from other areas of the urban center.

(b) Consideration of low- and moderate-income housing on a nondiscriminatory basis for employees and the need for development and redevelopment of areas for socioeconomic improvement will apply to the acquisition of space by lease when the lease term is in excess of 5 years, including all options, and where the space is to be acquired within the defined limits of a city or town and the amount of space in relation to the population exceeds the indicated footage as follows:

Population	*Square footage*
0–25,000	Over 5,000.
25,000–50,000	Over 10,000.
50,000–100,000	Over 15,000.
100,000–500,000	Over 30,000.
Over 500,000	Over 50,000.

(c) The Department of Housing and Urban Development is responsible for providing information concerning the availability of low- and moderate-income housing on a nondiscriminatory basis in areas where Federal facilities are planned to be located.

(d) The Department of Housing and Urban Development shall be consulted concerning the availability, on a nondiscriminatory basis, of low- and moderate-income housing for those Federal employees who will work in the project area when (1) a leasing action meets the criteria in paragraph (b) of this section, (2) a least-construction project is developed which required a prospectus, and (3) a leasing action involves a major shift or relocation of agencies to new areas or locales. Procedures described in § 101–17.104 shall apply.

PART 101–20—ASSIGNMENT AND UTILIZATION OF SPACE

The table of contents for Part 101–20 is amended by the addition of the following new entries:

Sec.

1. Section 101–20.001 is revised to read as follows:

§ 101–20.001 Authority.

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended 63 Stat. 377; the Act of July 1, 1898 (40 U.S.C. 285); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.); Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); and Executive Order 11512 of February 27, 1970 (3 CFR).

2. Section 101–20.002 is revised to read as follows:

§ 101–20.002 Basic policy.

GSA and other Federal agencies shall be guided by the following policies for the assignment, reassignment, and utilization of office buildings and space.

(a) Material consideration shall be given to the efficient performance of the missions and programs of the executive agencies and the nature and function of the facilities involved with due regard for the convenience of the public served and the maintenance and improvement of safe and healthful working conditions for employees.

(b) Maximum use shall be made of existing Goverment-owned permanent buildings which are adequate or economically adaptable to the space needs of executive agencies.

(c) Suitable privately owned space shall be acquired only when satisfactory Government-owned space is not available.

(d) Space planning and assignments shall take into account the objective of consolidating agencies and constituent

parts thereof in common or adjacent space for the purpose of improving management and administration.

(e) The availability of adequate low- and moderate-income housing on a nondiscriminatory basis for employees, accessibility from other areas of the urban center, and adequacy of parking facilities shall be considered.

(f) Whenever a space assignment requires the acquisition of space, the policies established in § 101–17.102 or 101–18.102 shall apply to such acquisition.

3. Section 101–20.102(b) is revised to read as follows:

§ 101–20.102 Requests for space.

* * * * *

(b) Heads of executive agencies shall:

(1) Cooperate with and assist the Administrator in carrying out his responsibilities respecting buildings and space;

(2) Take measures to give the Administrator early notice of new or changing space requirements;

(3) Seek to economize in their requirements for space; and

(4) Review continuously their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significane loss of efficiency.

4. Section 101–20.102–6 is added as follows:

§ 101–20.102–6 Procurement of parking for Government-owned vehicles.

Agencies having a need for other than temporary parking accommodations in the urban centers listed in § 101–18.104, for Government-owned motor vehicles not regularly housed by GSA, shall, prior to initiating procurement action for parking accommodations, make their needs for such facilities known to the appropriate GSA regional office. The request, which may be in the form provided for in § 101–20.102–1 (Standard Form 81, Request for Space), will be reviewed by GSA to determine the availability of Government-owned or controlled space. The agency shall be notified promptly should no such space be available. This notification shall become a part of the file supporting the subsequent procurement.

5. Section 101–20.103–1(b) is revised to read as follows:

§ 101–20.103–1 Assignment by GSA.

* * * * *

(b) GSA may, in accordance with policies and directives prescribed by the President, including E.O. No. 11512 of February 27, 1970 (3 CFR), under section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and after consultation with the agencies affected, assign and reassign space of any executive agencies after determining that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

6. Section 101–20.104 is added as follows:

§ 101–20.104 Application of socioeconomic considerations.

(a) Agencies shall cooperate with GSA in coordinating proposed programs and plans for buildings and space in a manner designed to exert a positive economic and social influence on the development or redevelopment of the areas in which such facilities are located.

(b) Whenever actions are proposed to accomplish the reassignment or utilization of space through the relocation of an existing major workforce but do not involve the acquisition of buildings or leased space, the impact on low and moderate income and minority employees shall be considered when the occupancy term is expected to exceed 5 years and where the space to be occupied is within the defined limits of a city or town and the amount of space in relation to the population exceeds the indicated footage as follows:

Population	*Square Footage*
0–25,000	Over 5,000.
25,000–50,000	Over 10,000.
50,000–100,000	Over 15,000.
100,000–500,000	Over 30,000.
Over 500,000	Over 50,000.

(c) The Department of Housing and Urban Development shall be consulted concerning the availability, on a nondiscriminatory basis, of low- and moderate-income housing to the project area for those Federal employees who will work in the space to be assigned or reassigned when the action meets the criteria in paragraph (b) of this section.

(d) When, after consultation, it is determined: (1) There is a lack of low- and moderate-income housing on a nondiscriminatory basis within reasonable proximity, and (2) the location is not readily accessible from other areas of the urban center, an affirmative action plan shall be developed as described in § 101–17.104–4 with agency participation as described in § 101–17.104–5.

(e) Whenever an agency initiates a request for the assignment of space in a specifically delineated area, they shall first determine whether there is an adequate supply of low- and moderate-income housing available to the delineated area in accordance with this § 101–20.104. A copy of the HUD finding shall be submitted to GSA with the SF81. If the finding shows there is a lack of suitable housing, the SF81 shall state that the agency has initiated action in accordance with § 101–20.104(d).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[FR Doc.71–15928 Filed 11–1–71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71–122]

NORTH BRANCH, CHICAGO RIVER, ILL.

Proposed Drawbridge Operations

The Coast Guard is considering revising the regulations for the North Avenue, Cortland Street, Webster Avenue, North Ashland Avenue, North Damen Avenue, and Belmont Avenue bridges across the North Branch of the Chicago River, Chicago, Ill., to permit the draws to be maintained in the closed position. The operating machinery of these bridges would be removed. These bridges are presently required to open on signal except for morning and evening peak vehicular traffic periods. This change is being considered because of limited use of this reach of the North Branch by vessels which require the openings of these bridges.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Ninth Coast Guard District (oan), 1240 East 9th Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before December 10, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding § 117.664(h) to read as follows:

§ 117.663 The Chicago River, the Ogden Slip, the North Branch of the Chicago River, the North Branch Canal, the South Branch, the West Fork of the South Branch, the South Fork of the South Branch, and the West Arm of South Fork of South Branch of the Chicago River, Ill.; bridges.

* * * * *

(h) The draws of the North Avenue, Cortland Street, Webster Avenue, North Ashland Avenue, North Damen Avenue,

and Belmont Avenue bridges across the North Branch of the Chicago River need not open for the passage of vessels. However the draws shall be returned to an operable condition within 6 months after notification from the Commandant to take such action.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)(35 F.R. 15922))

Dated: October 27, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-16013 Filed 11-2-71;8:49 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11470]

BRITISH AIRCRAFT CORPORATION MODEL BAC 1-11 200 AND 400 SERIES AIRPLANES, EQUIPPED WITH AIRESEARCH MODEL GTCP-85-115, -115C, -115K, OR -115CK AUXILIARY POWER UNITS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1-11 200 and 400 series airplanes. There have been reports of failures of the Auxiliary Power Unit (APU) due to deterioration of the turbine bearing seals, resulting in fire in the jet pipe and damage to the tail cone structure on Model BAC 1-11 200 and 400 series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design the proposed airworthiness directive would require periodic inspection of the APU turbine bearing seals, and the repair or disconnection of APU's with defective bearing seals until the APU's are modified by installing overheat sensors and automatic overheat shutdown provisions, and the associated tail cone changes are accomplished on British Aircraft Corp. Model BAC 1-11 200 and 400 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before December 3, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 200 and 400 series airplanes equipped with AiResearch Model GTCP-85-115, -115C, -115K, or 115CK Auxiliary Power Units (APU).

Compliance is required as indicated.

To prevent possible overheat damage of the rear fuselage tail cone structure due to fire resulting from an APU or jet pipe assembly failure, accomplish the following:

(a) Check the condition of the APU turbine bearing seals either—

(1) In accordance with an oil sampling analysis program that detects progressive deterioration of the bearing seals and that must be approved by an FAA maintenance inspector within the next 25 airplane hours' time in service after the effective date of this AD; or

(2) In accordance with paragraphs 2.2.1, 2.2.2, and 2.2.3, BAC 1-11 Alert Service Bulletin No. 49-A-PM 4714, Issue 4, dated March 8, 1971, or an FAA-approved equivalent, within the next 25 airplane hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 25 airplane hours' time in service from the last inspection.

(b) If a defective turbine bearing seal is found during a check required by paragraph (a), before further flight, either—

(1) Repair the APU in accordance with the applicable AiResearch Maintenance Manual or an FAA-approved equivalent; or

(2) Mechanically disconnect the APU so that it is not possible to operate the APU on the ground or in flight and install a placard in the cockpit in clear view of the pilot stating that the APU is not to be operated.

(c) Within the next 1,000 airplane hours' time in service after the effective date of this AD, unless already accomplished, either—

(1) Mechanically disconnect the APU so that it is not possible to operate the APU on the ground or in flight and install a placard on the APU cockpit controls stating that the APU is not to be operated; or

(2) Modify the APU installation and tail cone assembly to provide a means that automatically shuts down the APU when an overheat condition occurs, as follows:

(i) For airplanes equipped with a premodification PM3520 tail cone installation, modify the APU installation and tail cone assembly in accordance with BAC 1-11 Service Bulletin No. 49-PM4714, Part 1, Revision 1, dated November 9, 1970, and Parts 2 (a), (b), and (d), dated November 16, 1970, or an FAA-approved equivalent.

(ii) For airplanes equipped with a postmodification PM3520 tail cone installation, modify the APU installation and tail cone assembly in accordance with BAC 1-11 Service Bulletin No. 49-PM4714, Part 1, Revision 1, dated November 9, 1970, and Parts 2 (a), (b), (c), and (d), dated November 16, 1970, or an FAA-approved equivalent.

(d) The checks required by paragraph (a) may be discontinued after the APU has been disconnected in accordance with subparagraph (b)(2), or subparagraph (c)(1) or after the modification specified in subparagraph (c)(2) has been accomplished.

(e) Placards installed in accordance with subparagraph (b)(2), or subparagraph (c)(1) may be removed after the modification specified in subparagraph (c)(2) has been accomplished.

(f) The checks required by paragraph (a) constitute preventive maintenance under FAR 43.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 27, 1971.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[FR Doc.71-15971 Filed 11-2-71;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-126]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Galeton, Pa., 700-foot floor transition area (36 F.R. 2102).

The airspace requirements for the Galeton, Pa. terminal area have been reviewed for compliance with the U.S. Standard for Terminal Instrument Procedures. This review requires alteration of the Galeton, Pa. 700-foot floor transition area and also changes the transition area designation from part time to full time.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Galeton, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to delete the description of the Galeton, Pa. 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius

of the center, 41°40'00" N., 77°49'15" W. of Cherry Springs Airport, Galeton, Pa.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 15, 1971.

ROBERT H. STANTON,
Acting Chief, Eastern Region.

[FR Doc.71-15972 Filed 11-2-71;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-128]

TRANSITION AREA

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lewisburg, W. Va., Transition Area (36 F.R. 2219) and revoke the White Sulphur Springs, W. Va., transition area (36 F.R. 2294).

A review of the airspace requirements for the Lewisburg, W. Va. terminal area indicates alteration of the 700-foot floor transition area is required. In addition, the controlled airspace required to protect aircraft executing the VOR instrument approach procedure for Greenbrier Airport, White Sulphur Springs, W. Va., is included in the proposed alteration of the Lewisburg, W. Va., transition area and the White Sulphur Springs, W. Va., transition area can therefore be revoked.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Lewisburg, W. Va., and White Sulphur Springs, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to delete the description of the Lewisburg, W. Va. 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center (37°51'35" N., 80°23'55" W.) of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from the 252° bearing to the 278° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 278° bearing to the 291° bearing from the airport; within a 16-mile radius of Greenbrier Valley Airport, extending clockwise from the 291° bearing to the 301° bearing from the airport; within a 21.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 301° bearing to the 332° bearing from the airport; within a 22.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 332° bearing to the 347° bearing from the airport; within a 23.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 347° bearing to the 357° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 357° bearing to the 030° bearing from the airport; within an 18.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 030° bearing to the 086° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 086° bearing to the 143° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 143° bearing to the 192° bearing from the airport; within a 14-mile radius of Greenbrier Valley Airport, extending clockwise from the 192° bearing to the 252° bearing from the airport; within 3 miles each side of the 216° bearing from the Lewisburg, W. Va., RBN (37°46'52" N., 80°28'10" W.) extending from the RBN to 8.5 miles southwest and within 3 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial, extending from the VOR to 8.5 miles southeast.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to revoke the White Sulphur Springs, W. Va., 700-foot floor transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 15, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-15973 Filed 11-2-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-140]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Washington, D.C., transition area (36 F.R. 2290, 36 F.R. 9130).

A new RNAV instrument approach procedure for Manassas Municipal Airport (Harry P. Davies Field) was authorized recently. To provide controlled airspace for this procedure, alteration of the 700-foot floor transition area will be required.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Washington, D.C., proposes the air space action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Washington, D.C. 700-foot floor transition area by inserting, "; within a 6.5-mile radius of the center of 38°43'30" N., 77°31'00" W., of Manassas Municipal Airport (Harry P. Davies Field), Manassas, Va., and within 2.5 miles each side of a line bearing 329° from the airport geographical position to a point 12 miles northwest of said position;" following, "39°05'32" N., 77°27'30" W.,".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 15, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.71-15974 Filed 11-2-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-58]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Tucumcari, N. Mex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (36 F.R. 2055), the Tucumcari, N. Mex., control zone is amended to read:

TUCUMCARI, N. MEX.

That airspace within a 6-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°35'15" W.); within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 033° radial extending beyond the 6-mile radius zone to a point 6.5 miles northeast of the VORTAC; and within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 078° radial extending beyond the 6-mile radius zone to a point 6.5 miles east of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the Tucumcari, N. Mex., transition area is amended to read:

TUCUMCARI, N. MEX.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.).

The instrument approach procedures at Tucumcari, N. Mex., Municipal Airport have been revised in accordance with Terminal Instrument Procedures (TERPs) and the associated controlled airspace has been altered to conform to TERPs and airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Fort Worth, Tex., on October 22, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-15975 Filed 11-2-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19297]

CERTAIN FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Modesto, Turlock, and Patterson, Calif.; Albuquerque, N. Mex.; Centerville, Iowa; and Milford, Del.) RM-1611, RM-1612, RM-1622, RM-1625, and RM-1661.

1. This proceeding was begun by notice of proposed rule making (FCC 71-802) adopted August 4, 1971, released August 9, 1971, and published in the FEDERAL REGISTER on August 12, 1971, 36 F.R. 15057. The date for comments has expired and the date for filing reply comments has been designated as October 15, 1971.

2. On October 8, 1971, Hubbard Broadcasting, Inc. (Hubbard), filed a request for extension to and including November 15, 1971, in which to file reply comments. Hubbard states that the present work schedule of its consulting engineer prohibits analysis of the engineering statements filed within the required reply date.

3. We are of the view that the additional time requested is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments in RM-1612 and RM-1625 only is extended to and including November 15, 1971.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: October 27, 1971.

Released: October 28, 1971.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.71-16003 Filed 11-2-71;8:48 am]

[47 CFR Part 73]

[Docket No. 19315]

CERTAIN FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations (Hilton Head Island, S.C., Onawa, Iowa, Emmett, Idaho, Clinton, Miss., Wanchese, N.C., Kewaunee, Wis., Sullivan, Ill.) RM-1763, RM-1764, RM-1770, RM-1778, RM-1781, RM-1794, and RM-1808.

1. The notice of proposed rule making in the above-entitled proceeding was adopted on September 8, 1971, released on September 13, 1971, and published in the FEDERAL REGISTER on September 18, 1971, 36 F.R. 18664. The date for filing comments and reply comments are presently October 22, 1971, and November 2, 1971, respectively.

2. On October 22, 1971, Thomas E. Webb filed a request for a 45-day extension in which to file comments. He states that the additional time is necessary so that he can produce the needed preclusion showing.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing comments in the above docket, RM-1778 only, is extended to and including December 10, 1971, and December 22, 1971, for the filing of reply comments.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: October 27, 1971.

Released: October 28, 1971.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.71-16004 Filed 11-2-71;8:48 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 546]

[No. 71-1115]

FEDERAL SAVINGS AND LOAN SYSTEM

Mergers by Federal Savings and Loan Associations

OCTOBER 26, 1971.

Resolved That the Federal Home Loan Bank Board considers it desirable to amend Part 546 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 546) for the purposes of (1) requiring the publication of notice of the filing by Federal savings and loan associations of certain merger applications and (2) providing for public inspection of such applications. Accordingly, the Federal Home Loan Bank Board proposes to amend said Part 546 as follows:

1. By revising the introductory text of § 546.1 and by adding, immediately after paragraph (c) in § 546.1, a new paragraph (d), to read as follows:

§ 546.1 Definitions.

As used in §§ 546.1-1, 546.2, and 546.3, the following terms have the following meanings:

* * * * *

(d) "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the resulting association is located or any other officer or employee of such bank designated by the Board as agent as provided by § 501.10 or § 501.11 of this chapter.

2. By adding, imediately after § 546.1, a new § 546.1-1 to read as follows:

§ 546.1–1 Public inspection.

(a) An application for approval by the Board of a merger, and the fact that such an application has been filed, shall be held as confidential prior to the issuance of advice to publish notice of the filing of such application as provided in subparagraph (2) of paragraph (c) of § 546.2. Should the applicants desire to submit any information deemed to be of a confidential nature in connection with such application, such information shall be separately bound and labeled "confidential". Only general reference thereto shall be made in the portions of the application for which the applicants do not claim confidential status. The Supervisory Agent shall determine, pursuant to the policies contained in Part 505 of this chapter and any guidelines or instructions issued by the Board, whether any such information deemed by the applicants to be of a confidential nature will be so considered and shall advise the applicants of such determination prior to or at the time of the issuance by such Supervisory Agent of advice to publish notice of the filing of the application.

(b) After the issuance of advice to publish the notice prescribed in subparagraph (2) of paragraph (c) of § 546.2, the application, all information submitted with such application other than information deemed by the Supervisory Agent to be confidential, and all comunications in favor or in protest of such application shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person.

(c) Even though portions of an application, or other information submitted in connection with such application, are determined pursuant to paragraph (a) of this section to be confidential as far as public inspection thereof is concerned, the Board may comment on such confidential submissions in any public statement in connection with its decision on the application, without prior notice to the applicants.

(d) All recommendations by Supervisory Agents and by officers and employees of the Board in connection with such applications shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

3. By revising paragraph (c) of § 546.2 to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(c) (1) Application for approval by the Board of the merger as provided by the said merger agreement shall be made by filing with the Federal Home Loan Bank of which the resulting association is a member, two copies of the merger agreement, properly executed in the name of the respective associations, and two certified copies of such portions of the minutes of the meetings of the respective boards of directors as relate to the consideration and approval of the plan of merger by such boards.

(2) Upon determination by the Supervisory Agent that an application for approval of a merger is complete, the Supervisory Agent shall advise the applicants, in writing, to publish, within 10 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the merging associations and the resulting association, a notice of the filing of the application in the following form:

NOTICE OF FILING OF MERGER APPLICATION

Notice is hereby given that, pursuant to the provisions of § 546.2 of the rules and regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association, _____, _____, (City) (State) and the _____ Savings and Loan Association, _____, _____ have (City) (State) filed an application with the Federal Home Loan Bank Board for permission to merge, _____ Savings and Loan Association to be the resulting association, operating under the (same name) (name of _____ Savings and Loan Association). The resulting association intends to have its home office at _____, _____, (Street address) (City) _____ and to maintain a branch office (State) (or branch offices) at the following location (or locations): _____, (Street address) _____, _____. The application (City) (State) has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____, (City) _____, _____. Any (Street address) (City) person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application, information submitted therewith, and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid office of the Supervisory Agent in accordance with the provisions of § 546.1–1 of the rules and regulations for the Federal Savings and Loan System.

_____ Federal Savings and Loan Association _____

_____ Savings and Loan Association _____

(3) Promptly after publication of said notice or notices, the applicants shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(4) Within 10 days (or within 30 days if advice is filed within 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicants may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(5) Upon receipt of such application, the Board will (i) disapprove the merger; (ii) approve the merger; or (iii) withhold final action but recommend modifications of the plan of merger as submitted; if the modifications recommended by the Board are accepted by the directors of each of the associations, they shall thereupon amend such merger agreement accordingly and shall submit the amended merger agreement in the same manner as provided in subparagraph (1) of this paragraph.

(6) Subparagraphs (2), (3), and (4) of this paragraph shall not apply to mergers instituted for supervisory reasons.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by December 3, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.71-16036 Filed 11-2-71;8:51 am]

[12 CFR Part 563]

[No. 71-1116]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Mergers, Consolidations, or Purchases of Bulk Assets

OCTOBER 26, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) for the purposes of (1) requiring the publication of notice of the filing of applications concerning certain mergers, consolidations, or purchases of bulk assets, and (2) providing for public inspection of such applications. Accordingly, the Federal Home Loan Bank Board proposes to amend said Part 563 by revising § 563.22 thereof to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

(a) No insured institution may at any time increase its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without application to and approval by the Corporation. Application for such approval shall be submitted in duplicate upon forms prescribed by the Corporation and such information shall be furnished therewith as the Corporation may require.

(b) All requests by interested persons for advice or instructions with respect to any matter arising under this section shall be addressed to the Corporation's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant institution is located or any other officer or employee of such bank designated by the Board as agent as provided by § 501.10 or § 501.11 of this chapter.

(c) (1) Upon determination by the Supervisory Agent that an application pursuant to paragraph (a) of this section is complete, the Supervisory Agent shall advise the applicant, in writing, to publish, within 10 days from the date of such advice, in a newspaper or newspapers printed in the English language and having general circulation in the community or communities being served by the applicant institution and the other institution to be merged, consolidated, or whose assets are to be sold, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATION TO INCREASE ACCOUNTS OF AN INSURABLE TYPE PURSUANT TO (MERGER, CONSOLIDATION, OR PURCHASE OF ASSETS)

Notice is hereby given that, pursuant to the provisions of § 563.22 of the rules and regulations for Insurance of Accounts, the _____, _____, _____, has filed an application with
(Name of applicant) (City) (State)
the Federal Savings and Loan Insurance Corporation for permission to increase its accounts of an insurable type as a part of a (merger with) (consolidation with) (purchase of bulk assets of) _____
_____,
(Name of party to such transaction other than applicant)
_____, _____. The application
(City) (State)
has been delivered to the office of the Supervisory Agent of the said Corporation, located at the Federal Home Loan Bank of _____, _____, _____. Any person may file communi-
(City) (Street address) (City)
cations, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communication should be filed. The application, information submitted therewith, and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid office of the Supervisory Agent in accordance with the provisions of § 563.22 of the rules and regulations for Insurance of Accounts.

_____
(Applicant)

_____
(Party to this transaction other than applicant)

(2) Promptly after publication of said notice or notices, the applicant shall transmit two copies thereof to the supervisory agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the supervisory agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the supervisory agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(4) This paragraph shall not apply to any application for an increase of accounts of an insurable type that arises out of a merger, consolidation, or purchase of assets instituted for supervisory reasons.

(d) (1) An application pursuant to paragraph (a) of this section and the fact that such an application has been filed, shall be held as confidential prior to the issuance of advice to publish notice of the filing of such application as provided in paragraph (c) (1) of this section. Should the applicant desire to submit any information deemed to be of a confidential nature in connection with such application, such information shall be separately bound and labeled "confidential." Only general reference thereto shall be made in the portions of the application for which the applicant does not claim confidential status. The supervisory agent shall determine, pursuant to the policies contained in Part 505 of this chapter and any guidelines or instructions issued by the corporation, whether any such information deemed by the applicant to be of a confidential nature will be so considered and shall advise the applicant of such determination prior to or at the time of the issuance by such supervisory agent of advice to publish notice of the filing of the application.

(2) After the issuance of advice to publish the notice prescribed in paragraph (c) (1) of this section, the application, all information submitted with such application other than information deemed by the supervisory agent to be confidential, and all communications in favor or in protest of such application shall be available at the office of the supervisory agent during regular working hours for inspection by any person.

(3) Even though portions of an application, or other information submitted in connection with such application, are determined pursuant to subparagraph (1) of this paragraph to be confidential as far as public inspection thereof is concerned, the corporation may comment on such confidential submissions in any public statement in connection with its decision on the application, without prior notice to the applicant.

(4) All recommendations by supervisory agents and by officers and employees of the corporation in connection with such applications shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, DC 20552, by December 3, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.71-16037 Filed 11-2-71;8:51 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1245]

NASA PATENT LICENSING REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that all persons desiring to submit written comments or suggestions respecting the proposed revisions to NASA Patent Licensing Regulations (Title 14, Chapter V, Part 1245, Subpart 2: 27 F.R. 10446–10448, October 26, 1962) hereinafter set forth may do so by filing them with the General Counsel, National Aeronautics and Space Administration, Washington, D.C. 20546, not later than the 30th day following date of publication of this notice in the FEDERAL REGISTER.

§ 1245.200 Scope of subpart.

This proposed Subpart 1245.2 prescribes the terms, conditions and procedures for licensing inventions covered

by U.S. patents and patent applications for which the Administrator of the National Aeronautics and Space Administration holds title on behalf of the United States.

§ 1245.201 Definitions.

For the purpose of this subpart, the following definitions apply:

(a) "NASA invention" means any invention covered by a U.S. patent or patent application for which the Administrator of NASA holds title on behalf of the United States and is designated by the Administration as appropriate for the grant of a nonexclusive or exclusive license(s).

(b) "To practice an invention" means to make, have made, use or have used, sell or have sold, or otherwise dispose of according to law any machine, manufacture or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(c) "Practical application" means the manufacture in the case of a composition or product, the practice in the case of a process, or the operation in the case of a machine, under such conditions as to establish that the invention is being utilized and that its benefits are reasonably accessible to the public.

(d) The "Administrator" means the Administrator of the National Aeronautics and Space Administration, or his designee.

(e) "Government" means the Government of the United States of America.

(f) The "Inventions and Contributions Board" means the NASA Inventions and Contributions Board established by the Administrator of NASA within the Administration under section 305 of the National Aeronautics and Space Act of 1958 as amended (42 U.S.C. 2457).

§ 1245.202 Basic considerations.

(a) Much of the new technology resulting from NASA sponsored research and development in aeronautical and space activities has secondary application in other fields. NASA has special authority and responsibility under the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451), to provide for the widest practical dissemination and utilization of this new technology. In addition, NASA has been given unique requirements to obtain patents and protect the inventions resulting from NASA activities and to determine and promulgate licensing regulations to encourage commercial use of these inventions.

(b) NASA inventions will best serve the interests of the United States when they are brought to practical application in the shortest time possible. Although NASA encourages the nonexclusive licensing of its inventions to promote competition and achieve their widest possible utilization, the commercial development of certain NASA inventions calls for a substantial capital investment which private manufacturers may be unwilling to risk under a non-exclusive license. It is the policy of NASA to seek exclusive licensees when such licenses will provide the necessary incentive to achieve early practical application of the invention.

(c) The Administrator, in determining whether to grant an exclusive license, will consider the necessity for further technical and market development of the invention, the capabilities of prospective licensees, their proposed plans to undertake the required investment and development, the impact on competitors, and the benefits of the license to the Government and to the public. Consideration may also be given to assisting small businesses and minority business enterprises, as well as economically depressed, low income and labor surplus areas.

(d) All licenses for NASA inventions shall be by express written instruments. No license shall be granted or implied in a NASA invention except as provided for in § 1245.203 and any existing or future treaty or agreement between the United States and any foreign government.

§ 1245.203 Types of licenses and conditions for licensing.

(a) *General.* NASA inventions will normally be made available for the grant of licenses to responsible applicants according to the circumstances and conditions set forth in paragraphs (b), (c), and (d) of this section.

(b) *Nonexclusive licenses.* (1) Each NASA invention will be made available to responsible applicants for nonexclusive, revocable licensing in accordance with § 1245.205(b), consistent with the provisions of any exclusive license in force.

(2) The term of the license shall be for a period as specified in the license.

(3) The license shall require the licensee to practice the invention for the duration of the license and to achieve the practical application of the invention.

(4) The license shall be granted to all or part of the rights in an invention throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia, or in any lesser geographic portion thereof.

(5) The license shall extend to the subsidiaries and affiliates of the licensee and shall be nonassignable without approval of the Administrator, NASA, except to the successor of that part of the licensee's business to which the invention pertains.

(c) *Exclusive licenses.* (1) An exclusive license may be granted on a NASA invention, provided that:

(i) The Administrator, NASA, has determined (*a*) that the invention has not been brought to practical application; or that the invention has not been brought to practical application in certain fields of use or in certain geographical locations, and (*b*) that the practical application is not likely to be achieved expeditiously under a nonexclusive license or as a result of further Government-funded efforts; and

(ii) The invention has been published for at least 9 months as available for licensing pursuant to § 1245.204 or the patent has been issued for at least 6 months, whichever is earlier. However, a limited exclusive license may be granted at any time on a NASA invention when the administrator determines that a period of exclusivity is necessary to bring the invention to practical application and that it is in the public interest to grant such license.

(2) The license may be granted for all or less than all fields of use of the invention, and throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia, or in any lesser geographic portion thereof.

(3) The duration of the license shall be negotiated, but shall be for a period of less than the terminal portion of the patent; and, the period of exclusivity shall be related to the period necessary to provide a reasonable incentive to invest the necessary risk capital.

(4) The license shall require the licensee to practice the invention within a period specified in the license and then to achieve practical application of the invention.

(5) The license shall require the licensee to expend a specified minimum sum of money and/or to take other specified actions, within indicated period(s) after the effective date of the license, in an effort to achieve practical application of the invention.

(6) The license shall be subject to at least an irrevocable royalty-free right of the Government of the United States to practice and have practiced the invention throughout the world by or on behalf of the Government of the United States and on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States.

(7) The license may reserve to the Administrator, NASA, the right to require the granting of a license to responsible applicant(s) on terms that are reasonable under the following circumstances: (i) To the extent that the invention is required for public use by Government regulations, or (ii) as may be necessary to fulfill health or safety needs, or (iii) for other public purposes stipulated in the license.

(8) The license shall be nontransferable except to the successor of that part of the licensee's business to which the invention pertains.

(9) Subject to the approval of the Administrator, the licensee may grant sublicenses under the license. Each sublicense granted by an exclusive licensee shall make reference to and shall provide that the sublicense is subject to the terms of the exclusive license including the rights retained by the Government under the exclusive license. A copy of each sublicense shall be furnished to the Administrator.

(10) A license may require the licensee or sublicensee under an exclusive license to obtain the approval of the Administrator prior to use of any advertising or markings regarding the invention which refers to the license or to NASA.

(11) The license may be subject to such other reservations as may be in the public interest.

(d) *License to contractor.* There is hereby granted to the contractor reporting an invention, made in the performance of work under a contract of NASA in the manner specified in section 305(a)

(1) or (2) of the National Aeronautics and Space Act of 1958 as amended (42 U.S.C. 2457(a)(1) or (2)), a revocable, nonexclusive, royalty-free license for the practice of such invention, together with the right to grant sublicenses for the same scope to the extent the contractor was legally obligated to do so at the time the contract was awarded. Such license and right is nontransferable except to the successor of that part of the contractor's business to which the invention pertains. The term "contract" as used in this subparagraph (d) does not include a license granted.

(e) *Other licenses.* Subject to any outstanding licenses, nothing in this Subpart 1245.2 shall preclude the Administrator from granting other licenses for NASA inventions, when he determines that to do so would provide for an equitable distribution of rights. The following exemplify circumstances wherein such licenses may be granted:

(1) In consideration of the settlement of an interference;

(2) In consideration of a release of a claim of infringement; or

(3) In exchange for or as part of the consideration for a license to the Government under adversely held patent(s).

§ 1245.204 Publication of NASA inventions available for license.

The Administrator will publish periodically a notice in the FEDERAL REGISTER listing NASA inventions available for licensing. The publication will be updated from time-to-time to include directly, or by reference to a previous publication, all inventions currently available for licensing.

§ 1245.205 Application for nonexclusive license.

(a) *Submission of application.* An application for nonexclusive license under a NASA invention shall be addressed (1) to the NASA Patent Counsel of the NASA installation having cognizance over the NASA invention for which a license is desired or (2) to the NASA Assistant General Counsel for Patent Matters.

(b) *Contents of an application for nonexclusive license.* An application for a nonexclusive license under a NASA invention shall include:

(1) Identification of invention for which license is desired, including the patent application serial number or patent number, title and date, if known;

(2) Name and address of company or organization applying for license;

(3) Name and address of representative of applicant to whom correspondence should be sent;

(4) Nature and type of applicant's business;

(5) Number of employees;

(6) Purpose for which license is desired;

(7) A statement that contains the applicant's best knowledge of the extent to which the invention is being practiced by private industry and the Government;

(8) A description of applicant's capability and plan to undertake the development and marketing required to achieve the practical application of the invention; and,

(9) A statement indicating the minimum term of years the applicant desires to be licensed.

§ 1245.206 Application for exclusive license.

(a) *Submission of application.* An application for exclusive license may be submitted to NASA at any time. An application for exclusive license under a NASA invention shall be addressed to the NASA Assistant General Counsel for Patent Matters.

(b) *Contents of an application for exclusive license.* In addition to the requirements set forth in § 1245.205, an application for an exclusive license shall include:

(1) Applicant's status, if any, in any one or more of the following categories:

(i) Small business firm;

(ii) Minority business enterprise;

(iii) Location in a surplus labor area;

(iv) Location in a low income urban area; and

(v) Location in an area designated by the Government as economically depressed.

(2) A statement indicating the time, expenditure and other acts which the applicant considers necessary to achieve practical application of the invention, and the applicant's offer to invest that sum and to perform such acts if the license is granted;

(3) A statement whether the applicant would be willing to accept a license for all or less than all fields of use of the invention throughout the United States of America, its territories and possessions, Puerto Rico, and the District of Columbia, or in any lesser geographic portion thereof;

(4) A statement indicating the amount of royalty fees or other consideration, if any, the applicant would be willing to pay the Government for the exclusive license; and

(5) Any other facts which the applicant believes to show it to be in the interests of the United States of America for the Administrator to grant an exclusive license rather than a nonexclusive license and that such an exclusive license should be granted to the applicant.

§ 1245.207 Processing applications for license.

(a) *Initial review.* Applications for nonexclusive and exclusive license will be reviewed by the Patent Council of the NASA installation having cognizance for the NASA invention and the NASA Assistant General Counsel for Patent Matters, to determine the conformity and appropriateness of the application for license and the specific NASA invention. The Assistant General Counsel for Patent Matters will forward all applications for license conforming §§ 1245.205 and 1245.206 to the NASA Inventions and Contributions Board together with an opinion on (1) whether the invention is appropriate for consideration of the requested license and (2) whether the license should be granted to the applicant. Applications for license not conforming with the requirements of §§ 1245.205 and 1245.206 shall be returned to the applicant.

(b) *Recommendations of Inventions and Contributions Board.* The Inventions and Contributions Board shall, in accordance with the criteria of § 1245.203, evaluate all applications for license forwarded by the Assistant General Counsel for Patent Matters. Based upon the facts presented to the Inventions and Contributions Board in the application and any other facts in its possession, the Inventions and Contributions Board shall recommend to the Administrator (1) whether a nonexclusive or exclusive license should be granted, (2) the identity of the licensee, and (3) any special terms or conditions of the license.

(c) *Determination of Administrator—*(1) *General.* The Administrator shall review the recommendations of the Inventions and Contributions Board and determine whether to grant the license in accordance with the recommendations of the Inventions and Contributions Board.

(2) *Nonexclusive license.* If the Administrator determines that the best interest of the United States would be served by granting of a nonexclusive license for the specific NASA inventions, the nonexclusive license shall be granted to the applicant.

(3) *Exclusive license.* If the Administrator determines that the best interest of the United States will be served by the granting of an exclusive license in accordance with the basic consideration set forth in §§ 1245.202 and 1245.203, a notice shall be published in the FEDERAL REGISTER announcing the intent to grant the exclusive license, the identity of the contemplated licensee, the identification of the invention, and special terms or conditions, and a statement that NASA will grant the exclusive license unless within 30 days of the publication of such notice the Inventions and Contributions Board receives in writing any of the following together with supporting documentation:

(i) A notification from a nonexclusive licensee of the specific invention that he has already brought or is likely to bring the invention to practical application within a reasonable period without an exclusive license; or

(ii) A written notification from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or

(iii) An application for a nonexclusive license under such invention, in accordance with § 1245.205(b), in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period.

Upon the expiration of the 30-day period contained in the notice required by subparagraph (3) of this paragraph, the Administrator shall review all written responses to the notice and shall determine whether to grant the exclusive license or one or more nonexclusive licenses for the NASA invention.

(d) *Negotiation of terms.* The terms and conditions of licenses will be negotiated by the Office of General Counsel, NASA, and the selected licensee.

§ 1245.208 Royalties and fees.

(a) Normally, a nonexclusive license for a NASA invention will not require the payment of royalties or fees; however, NASA may require other consideration.

(b) An exclusive license on a NASA invention may require the payment of royalties, fees or other consideration when the licensing circumstances and the basic considerations in § 1245.202, considered together, indicate that it is in the public interest to do so.

§ 1245.209 Reports.

A license shall require the licensee to submit periodic reports of his efforts to work the invention. The reports shall contain information within his knowledge, or which he may acquire under normal business practice, pertaining to the commercial use that is being made of the invention and such other information which the Administrator may determine pertinent to the licensing program and which is specified in the license.

§ 1245.210 Revocation of licenses.

(a) Any license granted pursuant to this Subpart 1245.2 may be revoked by the Administrator if in his opinion the licensee at any time shall fail to use adequate efforts to bring to or achieve practical application of the invention in accordance with the terms of the license, or if the licensee at any time shall default in making any report required by the license, or shall make any false report, or shall commit any breach of any covenant or agreement therin contained, and shall fail to remedy any such default, false report, or breach within 30 days after written notice, or if the patent is deemed unenforceable either by the Attorney General or a final decision or a United States court.

(b) Before revoking any license granted pursuant to this Subpart 1245.2 for any cause, there will be furnished to the licensee a written notice of intention to revoke the license, and the licensee will be allowed 30 days after such notice in which to appeal and request a hearing before the Inventions and Contributions Board on the question of whether the license should be revoked. After a hearing, the Inventions and Contributions Board shall transmit to the Administrator the record of proceedings, its findings of fact, and its recommendation whether the license should be revoked. The Administrator shall review the recommendation of the Inventions and Contributions Board and determine whether to revoke the license. Revocation of a license shall include revocation of all sublicenses which have been granted.

§ 1245.211 Appeals.

Any person desiring to file an appeal pursuant to § 1245.210 shall address the appeal to Chairman, Inventions and Contributions Board. Any person filing an appeal shall be afforded an opportunity to be heard before the Inventions and Contributions Board, and to offer evidence in support of his appeal. The procedures to be followed in any such matter shall be determined by the Administrator. The Board shall make findings of fact and recommendations with respect to disposition of the appeal. The decision of the appeal shall be made by the Administrator, and such decision shall be final and conclusive, except on questions of law, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence.

§ 1245.212 Litigation.

An exclusive licensee shall be granted the right to sue at his own expense any party who infringes the rights set forth in his license and covered by the licensed patent. The licensee may join the Government, upon consent of the Attorney General, as a party complainant in such suit, but without expense to the Government and the licensee shall pay costs and any final judgment or decree that may be rendered against the Government in such suit. The Government shall also have an absolute right to intervene in any such suit. The licensee shall be obligated to promptly furnish without cost to the Government, upon request, copies of all pleadings and other papers filed in any such suit and of evidence adduced in proceedings relating to the licensed patent including, but not limited to, negotiations for settlement and agreements settling claims by a licensee based on the licensed patent, and all other books, documents, papers, and records pertaining to such suit. If, as a result of any such litigation, the patent shall be declared invalid, the licensee shall have the right to surrender his license and be relieved from any further obligation thereunder.

§ 1245.213 Address of communications.

(a) Communications to the Assistant General Counsel for Patent Matters in accordance with §§ 1245.205 and 1245.206 and requests for information concerning licenses for NASA inventions should be addressed to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, DC 20546.

(b) Communications to the Inventions and Contributions Board in accordance with §§ 1245.207 and 1245.210 should be addressed to Chairman, Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, D.C. 20546.

JAMES C. FLETCHER,
Administrator.

[FR Doc. 71-16040 Filed 11-2-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1047]

[No. MC-C-4000 (Sub-No. 5)]

SAVANNAH, GA. AIRPORT

Petition for Individual Determination of Exempt Zone

OCTOBER 29, 1971.

Petition for individual determination of exempt zone under Motor Carrier Regulations § 1047.40(c) (Passengers—Savannah, Ga., Airport). Petitioner: YELLOW CAB COMPANY OF SAVANNAH, INC. Petitioner's representative: Conneret, Dunn, Hunter, Houlihan, Maclean & Exley, Post Office Box 9848, Savannah, Ga. 31420. By the instant petition, the petitioner states that the limits of the present exempt zone (25 miles) surrounding Savannah Airport divide Hilton Head Island, S.C., in half, and that the only bridge connecting to Hilton Head Island with the mainland is located on the Island's northern end at a point beyond the limits of the exempt zone. This means that limousines traverse the northern end of the island and must pass all the developments there en route to the southern half of the island which is within the exempt zone. This petition seeks to have all portions of Hilton Head Island included within the limits of the Savannah Airport passenger exempt zone.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed specific redefinition of the limits of the Savannah Airport exempt zone, may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before December 15, 1971. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16026 Filed 11-2-71;8:50 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1602, 1603, 1604, 1611, 1617, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1630, 1631, 1632, 1642, 1655, 1660]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 United States Code App., sections 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 United States Code App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street Northwest, Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1602—DEFINITIONS

SECTION 1. Part 1602 *Definitions,* is amended as follows:

a. Section 1602.4 *Delinquent* is amended to read as follows:

§ 1602.4 Violator.

A violator is a person required to be registered under the selective service law who fails or neglects to perform any duty required of him under the provisions of the selective service law.

b. Section 1602.14 is added to read as follows:

§ 1602.14 Numbers.

Cardinal numbers may be expressed by Arabic or Roman symbols.

PART 1603—SELECTIVE SERVICE PERSONNEL IN GENERAL

SEC. 2. Section 1603.3 *Uncompensated services,* is amended to read as follows:

§ 1603.3 Uncompensated services.

The services of registrars (except as the Director of Selective Service may otherwise provide), members of local boards, medical advisors to the State Directors of Selective Service, advisors to registrants, and all other persons volunteering their services to assist in the administration of the selective service law shall be uncompensated, and no such person serving without compensation shall accept remuneration from any source for services rendered in connection with selective service matters.

PART 1604—SELECTIVE SERVICE OFFICERS

SEC. 3. Part 1604 is amended as follows:

a. Section 1604.6 is amended to read as follows:

§ 1604.6 National Selective Service Appeal Board.

(a) There is hereby created and established within the Selective Service System a civilian agency of appeal which shall be known as the National Selective Service Appeal Board, hereafter in this section referred to as the National Board. The President shall appoint members of the National Board from among citizens of the United States who are not members of the armed forces, and he shall designate one member as Chairman of the National Board. A majority of the members of the National Board shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question. The National Board may sit en banc, or upon the request of the Director of Selective Service or as determined by the Chairman of the National Board, in panels, each panel to consist of at least three members. The Chairman of the National Board shall designate the members of each panel and he shall designate one member of each panel as chairman. A majority of the members of a panel shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question. Each panel of the National Board shall have full authority to act on all cases assigned to it. The National Board, or a panel thereof, shall hold meetings in Washington, D.C., and, upon request of the Director of Selective Service or as determined by the Chairman of the National Board, at any other place.

(b) The National Board or a panel thereof, is authorized and directed to perform all the functions and duties vested in the President by that sentence of section 10(b)(3) of the Military Selective Service Act, which reads as follows: "The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final." The National Board, upon appeal to the President taken under Part 1627 of these regulations, shall classify each registrant, giving consideration to the various classifications which a local board might consider, and shall give effect to the provisions of the Military Selective Service Act and the regulations promulgated thereunder, and the established policies of the Director of Selective Service.

(c) The National Board shall be in all respects independent of the Director of Selective Service except that the Director of Selective Service shall provide for the payment of the compensation and expenses of the members of the National Board, shall furnish that Board and its panels necessary personnel, suitable office space, necessary facilities and services. The Director of Selective Service shall establish the order, by category, in which appeals by registrants will be considered, but he shall not determine the sequence in which appeals within a given category shall be processed. The Director of Selective Service and the Chairman of the National Board shall furnish to each other such information, advice, and assistance as will further the attainment of the objectives of the Military Selective Service Act and promote the effective administration of the Act.

(d) Each member of the National Board shall: (1) Devote so much time to the affairs of the National Board as its responsibilities may require, (2) be compensated as provided in paragraph (e) of this section, and (3) while on the business of the National Board away from his home or regular place of business, receive actual traveling expenses and per diem in lieu of subsistence in accordance with rates established by Standardized Government Travel Regulations as amended.

(e) The compensation of each member of the National Board shall be governed by the following: (1) The member shall be compensated at an hourly rate for such time as is actually spent by him in attendance at meetings of the National Board, or a panel thereof, without limitation as to the number of hours compensable in any one day, (2) the member shall be compensated at an hourly rate for travel time away from his home or regular place of business while en route to or from any meeting of the National Board or while otherwise traveling on business of the National Board, but the compensable time for any trip to or from any such meeting or other business shall be limited to eight hours, (3) duties performed on, and travel time occurring on, a Saturday, Sunday, or holiday shall be compensable as if performed or occurring on any other day of the week, (4) the compensation shall be in accord with the provisions of section 5332 of title 5, United States Code, and (5) the compensable hours per week, Sunday through the following Saturday, shall not exceed 40 hours and the compensation in any pay period shall not exceed one twenty-sixth (1/26) of the Government annual rate of compensation.

b. Section 1604.22 *Composition and appointment* is amended to read as follows:

§ 1604.22 Composition and appointment of Appeal Boards.

The Director of Selective Service will prescribe the number of members for the appeal board and panels thereof for each appeal board area. The President, upon recommendation of the respective Governor, shall appoint members of appeal boards from among citizens of the United States who are residents of the area for which the respective boards have jurisdiction.

c. Section 1604.51 *Areas* is amended to read as follows:

§ 1604.51 Areas of local boards.

The State Director of Selective Service for each State shall divide his State into local board areas and establish local boards in accord with instructions of the Director of Selective Service. There shall be at least one local board in each county except where the Director of Selective Service approves the establishment of an intercounty local board. When more than one local board is established with the same geographical jurisdiction, registrants residing in that area will be assigned among the local boards as prescribed by the Director of Selective Service. The State Director of Selective Service may establish panels of local boards in accord with instructions of the Director of Selective Service.

d. Section 1604.52 *Composition and appointment* is amended to read as follows:

§ 1604.52 Composition of local boards.

The Director of Selective Service shall prescribe the number of members of local boards and intercounty local boards.

§ 1604.52a [Revoked]

e. Section 1604.52a *Panels of local boards* is revoked.

f. Section 1604.54 is amended to read as follows:

§ 1604.54 Jurisdiction.

The jurisdiction of each local board shall extend to all persons registered with or subject to registration with that local board. It shall have full authority to do and perform all acts within its jurisdiction authorized by law.

g. Section 1604.71 *Appointment and duties* is revoked.

PART 1611—DUTY AND RESPONSIBILITY TO REGISTER

SEC. 4. Part 1611 is amended as follows:

a. Section 1611.2 is amended to read as follows:

§ 1611.2 Persons not required to be registered.

(a) Under the provisions of section 6(a) of the Military Selective Service Act the following persons are not required to be registered;

(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the National Oceanic and Atmospheric Administration, and the Public Health Service;

(2) Cadets, U.S. Military Academy;

(3) Midshipmen, U.S. Navy;

(4) Cadets, U.S. Air Force Academy;

(5) Cadets, U.S. Coast Guard Academy;

(6) Midshipmen, Merchant Marine Reserve, U.S. Naval Reserves;

(7) Students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense;

(8) Members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty: *Provided*, That such active duty in the Public Health Service that commences after the enactment of the Military Selective Service Act of 1967 is performed by members of the Reserve of the Public Health Service while assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration; and

(9) Foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States and members of their families.

(b) A male alien who is now in or who hereafter enters the United States and who has not been admitted for permanent residence in the United States shall not be required to be registered under section 3 of the Military Selective Service Act, and shall be relieved from liability for training and service under section 4 of said Act, provided:

(1) He is lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States;

(2) He is a person who has entered the United States and remains therein pursuant to the provisions of section 11 of the Agreement between the United Nations and the United States of America Regarding the Headquarters of the United Nations as approved August 4, 1947 (61 Stat. 756);

(3) He is a member of a group of persons who have been temporarily admitted to the United States under an arrangement with the government of the country of which they are nationals, or an appropriate agency thereof, for seasonal or temporary employment, and continues to be employed in the work for which he was admitted;

(4) He is a national of a country with which there is in effect a treaty or international agreement exempting nationals of that country from military service while they are within the United States; or

(5) He is a person who has entered the United States and remains therein pursuant to the provisions of the Agreement between the parties to the North Atlantic Treaty Regarding the Status of their Forces, or the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff, or the Protocol on the Status of International Military Headquarters Set up Pursuant to the North Atlantic Treaty.

(c) Each alien who is in the category described in subparagraph (1) of paragraph (b) of this section must have in his possession and available for examination any visa or other official document which was issued to him by a diplomatic, consular, or immigration officer of the United States evidencing that he is within the United States pursuant to the provisions of section 101(a)(15) of the Immigration and Nationality Act.

(d) Each alien who is in the category described in subparagraph (9) of paragraph (a) of this section or who is in one of the categories described in subparagraphs (2), (3), (4), and (5) of paragraph (b) of this section must have in his personal possession, at all times, an official document issued pursuant to the authorization of or described by the Director of Selective Service which identifies him as a person not required to present himself for and submit to registration.

b. Section 1611.4 is amended to read as follows:

§ 1611.4 Registration of male persons separated from armed forces.

Every male person who (a) has been separated from active service in the armed forces, the National Oceanic and Atmospheric Administration or the Public Health Service, (b) has not been registered prior to such separation, (c) would have been required to be registered except for the fact that he was in such active service on the day or days fixed for his registration by Presidential proclamation, and (d) who has not discharged his current military obligation under the Military Selective Service Act shall present himself for and submit to registration before a local board within the period of 30 days following the date on which he was so separated.

PART 1617—REGISTRATION CERTIFICATE

SEC. 5. Section 1617.1 is amended to read as follows:

§ 1617.1 Effect of failure to have unaltered registration certificate in personal possession.

Every person required to present himself for and submit to registration must, after he has registered, have in his personal possession until his liability for training and service has terminated his Registration Certificate (SSS Form 2) prepared by his local board which has not been altered and on which no notation duly and validly inscribed thereon has been changed in any manner after its preparation by the local board. The failure of any person to have his Registration Certificate (SSS Form 2) in his personal possession shall be prima facie evidence of his failure to register. When a registrant is inducted into the armed forces or enters upon active duty in the armed forces, other than active duty for training only or active duty for the sole purpose of undergoing a physical examination, he shall surrender his Registration Certificate (SSS Form 2) to the commanding officer of the Armed Forces Examining and Entrance Station or to the responsible officer at the place to

which he reports for active duty. Such officer shall return the certificate to the local board that issued it.

PART 1621—PREPARATION FOR CLASSIFICATION

SEC. 6. Part 1621 is amended as follows:

a. Section 1621.9 is amended to read as follows:

§ 1621.9 Mailing Classification Questionnaire (SSS Form 100).

(a) The local board shall mail a Classification Questionnaire (SSS Form 100) to each registrant according to the rules prescribed by the Director of Selective Service.

(b) The date upon which the Classification Questionnaire (SSS Form 100) is mailed shall be entered in the Classification Record (SSS Form 102).

b. Section 1621.11 is amended to read as follows:

§ 1621.11 Special form for conscientious objector.

A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim in writing. If he files such claim with his local board before his order to report for induction is issued he shall be furnished a copy of Special Form for Conscientious Objector (SSS Form 150). The local board shall not issue a copy of Special Form for Conscientious Objector (SSS Form 150) to a registrant after he has been issued an order to report for induction.

c. Section 1621.12 is amended to read as follows:

§ 1621.12 Claims for, or information relating to deferment.

The registrant shall be entitled to present all written information which he believes to be necessary to assist the local board in determining his proper classification. Such information should be included in or attached to the Classification Questionnaire (SSS Form 100) and may include any documents, affidavits, or depositions. The affidavits and depositions shall be as concise and brief as possible.

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

SEC. 7. Part 1622 is amended as follows:

a. Section 1622.1 is amended to read as follows:

§ 1622.1 General principles of classification.

(a) It is the local board's responsibility to decide, subject to appeal, the class in which each registrant shall be placed. Each registrant will be considered as available for military service until his eligibility for deferment or exemption from military service is clearly established to the satisfaction of the local board. The local board will receive and consider all information, pertinent to the classification of a registrant, timely presented to it. The mailing by the local board of a Classification Questionnaire (SSS Form 100) to the latest address furnished by a registrant shall be notice to the registrant that unless information is presented to the local board, within the time specified for the return of the questionnaire, which will justify his deferment or exemption from military service the registrant will be classified in Class 1–A.

(b) In classifying a registrant there shall be no discrimination for or against him because of his race, creed, or color, or because of his membership or activity in any labor, political, religious or other organization. Each such registrant shall receive equal justice.

b. Section 1622.2 is amended to read as follows:

§ 1622.2 Classes.

Each registrant shall be classified in one of the following classes:

CLASS 1

Class 1–A: Available for military service.
Class 1–A–O: Conscientious objector available for noncombatant military service only.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 1–D: Member of reserve component or student taking military training.
Class 1–H: Registrant not currently subject to processing for induction.
Class 1–O: Conscientious objector available for alternate service.
Class 1–W: Conscientious objector performing alternate service in lieu of induction.

CLASS 2

Class 2–A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study.
Class 2–C: Registrant deferred because of agricultural occupation.
Class 2–D: Registrant deferred because of study preparing for the ministry.
Class 2–S: Registrant deferred because of activity in study.

CLASS 3

Class 3–A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.

CLASS 4

Class 4–A: Registrant who has completed military service.
Class 4–B: Officials deferred by law.
Class 4–C: Aliens.
Class 4–D: Minister of religion.
Class 4–F: Registrant not qualified for military service.
Class 4–G: Registrant exempted from service during peace.
Class 4–W: Conscientious objector who has completed alternate service in lieu of induction.

§ 1622.13 [Amended]

c. Paragraph (b) of § 1622.13 *Class 1–D: Member of reserve component or student taking military training,* is amended to read as follows:

(b) In Class 1–D shall be placed any registrant who (1) has been selected for enrollment or continuance in the Senior (entire college level) Reserve Officers' Training Corps, or the Air Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the Naval and Marine Corps officer candidate program of the Navy, or the platoon leader's class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or is appointed an ensign, U.S. Naval Reserve, while undergoing professional training; (2) has agreed, in writing, to accept a commission, if tendered, and to serve subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the U.S. Coast Guard), not less than 2 years on active duty after receipt of a commission; and (3) has agreed to remain a member of a regular or reserve component until the sixth anniversary of his receipt of a commission. Such registrant shall remain eligible for Class 1–D until completion or termination of the course of instruction and so long thereafter as he continues in a reserve status upon being commissioned except during any period he is eligible for Class 1–C under the provisions of § 1622.12.

d. Section 1622.14 is amended to read as follows:

§ 1622.14 Class 1–O: Conscientious objector available for alternate service.

In Class 1–O shall be placed every registrant who would have been classified in Class 1–A but for the fact that he has been found to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces.

§ 1622.15 [Revoked]

e. Section 1622.15 *Class I–S: Student Deferred by Statute* is revoked.

f. Section 1622.16 *Class 1–W: Conscientious objector performing civilian work contributing to the maintenance of the National Health, Safety, or Interest,* is amended to read as follows:

§ 1622.16 Class 1–W: Conscientious objector performing alternate service in lieu of induction.

In Class 1–W shall be placed any registrant who has entered upon and is performing alternate service contributing to the maintenance of the national health, safety, or interest, in accordance with the order of the local board.

§ 1622.17 [Revoked]

g. Section 1622.17 *Class I–Y: Registrant not eligible for a lower class who would be qualified for military service in time of war or national emergency* is revoked.

h. By adding § 1622.18 to read as follows:

§ 1622.18 Class 1–H (Holding Classification): Registrant not currently subject to processing for induction.

In Class 1–H shall be placed any registrant who is not currently subject to processing for induction according to these regulations and the rules prescribed by the Director of Selective Service.

i. Section 1622.22 *Class II–A: Registrant deferred because of civilian occupation,* is amended to read as follows:

§ 1622.22 Class 2–A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study.

(a) In Class 2–A shall be placed any registrant whose continued service is found to be necessary to the maintenance of the national health, safety, or interest in an activity identified as essential by the Director of Selective Service upon the advice of the National Security Council, provided that any registrant in Class 2–A under the provisions of this paragraph in effect prior to April 23, 1970 may be retained in such class so long as he qualified under those provisions. In addition, any registrant qualified for classification in Class 2–A prior to such effective date may be placed and retained in such class if request thereof has been made prior to such effective date.

(b) In Class 2–A shall be placed any registrant who (1) was satisfactorily pursuing an approved full-time course of instruction, not leading to a baccalaureate degree, in a junior college, community college or technical school during the 1970–71 academic school year, (2) is engaged in an approved apprentice training program begun prior to July 1, 1971, or (3) is satisfactorily pursuing approved full-time training, begun prior to July 1, 1971, in a technical or trade school not on an academic year. Deferment under the authority of this paragraph will continue until such registrant fails to pursue satisfactorily such full-time course of instruction or training or until the expiration of the period of time normally required to complete such course of full-time instruction or training.

§ 1622.25 [Amended]

j. Paragraph (a) of § 1622.25 *Class II–S: Registrant deferred because of activity in study* is amended to read as follows:

(a) In Class 2–S shall be placed any registrant who requests such classification, who was satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning during the 1970–71 regular academic school year and who is satisfactorily pursuing such course, such classification to continue until such registrant completes the requirement for his baccalaureate degree, fails to pursue satisfactorily full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever occurs first.

§ 1622.26 [Revoked]

k. Paragraph (b) of § 1622.26 *Class II–S: Registrant deferred because of graduate study* is revoked.

l. Section 1622.27 is added which shall read as follows:

§ 1622.27 Class 2–D: Registrant deferred because of study preparing for the ministry.

(a) In Class 2–D shall be placed any registrant who is a student preparing for the ministry under the direction of a recognized church or religious organization, who is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school, or who is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been preenrolled.

(b) A registrant will be deemed to be satisfactorily pursuing a full-time course of instruction when he is making proportionate progress. For example, if the registrant is enrolled in a 4-year course of instruction, the registrant must complete at least one fourth of the total requirements by the end of the first academic year, at least one half by the end of the second academic year, at least three-fourths by the end of the third academic year, and all requirements by the end of the fourth academic year. The registrant's academic year, for the purpose of this paragraph, shall terminate on the anniversary of his entrance into the course of study.

m. The title of § 1622.40 *Class IV–A: Registrant who has completed service; sole surviving son* is amended to read as follows:

§ 1622.40 Class 4–A: Registrant who has completed military service.

§ 1622.40 [Amended]

n. Paragraph (a)(4) of § 1622.40 *Class 4–A: Registrant who has completed service* is amended to read as follows:

(4) A registrant who has served on active duty subsequent to June 24, 1948, for a period of not less than 12 months in the armed forces of a nation certified by the Department of State to be a nation with which the United States is associated in mutual defense activities and which grants exemption from training and service in its armed forces to citizens of the United States who have served on active duty in the Armed Forces of the United States subsequent to June 24, 1948, for a period of not less than 12 months: *Provided*, That in computing such twelve-month period, there shall be credited any active duty performed by the registrant prior to June 24, 1948, in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities: *And provided further*, That all information which is submitted to the local board concerning the registrant's service in the armed forces of a foreign nation shall be written in the English language.

§ 1622.40 [Revoked]

o. Paragraph (a)(10) of § 1622.40 *Class IV–A: Registrant Who Has Completed Service* is revoked.

§ 1622.42 [Amended]

p. Paragraph (b) of § 1622.42 *Class IV–C: Aliens* is amended to read as follows:

(b) In Class 4–C shall be placed any registrant who is an alien who is certified by the Department of State to be, or otherwise establishes that he is, exempt from military service under the terms of a treaty or international agreement between the United States and the country of which he is a national, and who has made application to be exempted from liability for training and service in the Armed Forces of the United States.

q. Paragraph (e) is added to § 1622.42 *Class IV–C: Aliens* to read as follows:

(e) In Class 4–C shall be placed any registrant who is an alien lawfully admitted for permanent residence as defined in paragraph (20) of section 101 (a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of such section 101(a) but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status. A registrant placed in Class 4–C under the authority of this paragraph shall be retained in Class 4–C only for so long as such occupational status continues.

r. Section 1622.43 *Class IV–D: Minister of religion or divinity student*, is amended to read as follows:

§ 1622.43 Class 4–D: Minister of religion.

In Class 4–D shall be placed any registrant who is a regular or duly ordained minister of religion as defined in section 16(g) of the Military Selective Service Act.

s. Section 1622.44 *Class IV–F: Registrant not qualified for any military service* is amended to read as follows:

§ 1622.44 Class 4–F: Registrant not qualified for military service.

(a) In Class 4–F shall be placed any registrant who is found under applicable physical, mental, and moral standards to be not qualified for service in the Armed Forces either currently, or in time of war or national emergency declared by the Congress, except that no such registrant whose further examination or reexamination may be justified shall be placed in Class 4–F until such further examination as the Director of Selective Service deems appropriate has been accomplished and such registrant continues to be found not qualified for military service.

(b) In Class 4–F shall be placed any registrant in the medical, dental, and allied specialist categories who has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and has been rejected for such appointment on the sole ground of a physical disqualification.

t. Section 1622.45 is added which shall read as follows:

§ 1622.45 Class 4–G: Registrant exempted for service during peace.

In Class 4–G shall be placed any registrant who meets the requirements of section 6(o) of the Military Selective Service Act or section 101(d)(3) of Public Law 92–129: *Provided*, That no registrant who volunteers for induction shall be placed or retained in Class 4–G.

u. Section 1622.46 is added which shall read as follows:

§ 1622.46 Class 4–W: Registrant who has completed alternate service in lieu of induction.

In Class 4–W shall be placed any registrant who subsequent to being ordered by the local board or by order of a court of the United States to perform civilian work in lieu of induction has been released from such work by the local board after satisfactorily performing the work for a period of 24 consecutive months, has completed such work pursuant to the order of a court of the United States or has been released from such work by the Director of Selective Service.

§ 1622.50 [Revoked]

v. Section 1622.50 *Class V–A: Registrant over the age of liability for military service* is revoked.

§ 1622.61 [Revoked]

w. Section 1622.61 *Identifying a registrant when registration is canceled is* revoked.

§ 1622.62 [Revoked]

x. Section 1622.62 *Identifying a registant when induction is postponed* is revoked.

§ 1622.63 [Revoked]

y. Section 1622.23 *Identifying registrants who are deceased* is revoked.

PART 1623—CLASSIFICATION PROCEDURE

SEC. 8. Part 1623—*Classification Procedure* is amended as follows:

a. Section 1623.1 *Commencement of classification,* is amended to read as follows:

§ 1623.1 Commencement of classification.

(a) Each registrant shall be classified as soon as practicable after his registration.

(b) The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and such other written information as may be contained in his file: *Provided,* That the board shall proceed with the registrant's classification whenever he fails to provide the board in a timely manner with any information concerning his status which he is requested or required to furnish. Since it is imperative that appeal agencies have available to them all information on which the local board determined the registrant's classification, oral information shall not be considered unless it is summarized in writing and the summary placed in the registrant's file. Under no circumstances shall the local board rely upon information received by a member personally unless such information is reduced to writing and placed in the registrant's file. None of the provisions of this section shall impair the power of the local board to take notice of the birthday of any registrant and of the fact that the Congress has made registrants of his age liable for induction for military service and in the absence of any other information, when the registrant has failed to furnish such information within the time prescribed, to classify the registrant as available for military service.

(b) Section 1623.2 *Consideration of classes* is amended to read as follows:

§ 1623.2 Consideration of classes.

Every registrant shall be placed in Class 1–A under the provisions of section 1622.10 of this chapter except that when grounds are established to place a registrant in one or more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1–A–O considered the highest class and Class 1–C considered the lowest class according to the following table:

Class	Class
1–A–O	4–D
1–O	1–H
2–A	4–F
2–C	4–A
2–S	4–G
2–D	1–W
3–A	4–W
4–B	1–D
4–C	1–C

c. Section 1623.4 is amended to read as follows:

§ 1623.4 Action to be taken when classification determined.

(a) As soon as practicable after the local board has classified or reclassified a registrant (except a registrant who is classified in Class 1–C because of his entry into active service in the Armed Forces) it shall mail him a notice thereof. When a registrant is classified in Class 2–A, Class 2–C, Class 2–D, or Class 2–S, the date of the termination of the deferment shall be entered on such notice.

(b) After each local board meeting, a notice listing the registrants who have been classified or whose classification has been changed, shall be posted in a conspicuous place in the office of the local board. When a person is unable to ascertain the current classification of a registrant from this posted notice, an employee of the local board, upon request, shall consult the Classification Record (SSS Form 102) and shall furnish the person making the inquiry the current classification of such registrant.

(c) In the event that the local board classifies the registrant in a class other than that which he requested it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in the manner prescribed by the Director of Selective Service.

d. Section 1623.5 is amended to read as follows:

§ 1623.5 Persons required to have Notice of Classification (SSS Form 110) in personal possession.

Every person who has been classified by a local board must have in his personal possession until his liability for training and service has terminated a valid Notice of Classification (SSS Form 110) issued to him showing his current classification. When any such person is inducted into the Armed Forces or enters upon active duty in the Armed Forces, other than active duty for training only or active duty for the sole purpose of undergoing a physical examination, he shall surrender his Notice of Classification (SSS Form 110) to the commanding officer of the Armed Forces Examining and Entrance Station or to the responsible officer at the place to which he reports for active duty. Such officer shall return the notice to the local board that issued it.

e. Section 1623.7 is amended to read as follows:

§ 1623.7 Issuing a duplicate of a lost, destroyed, mislaid, or stolen Notice of Classification (SSS Form 110).

A duplicate Notice of Classification (SSS Form 110) may be issued to a registrant only by the local board which mailed the original Notice of Classification (SSS Form 110) to him upon his written request therefor and the presentation of proof satisfactory to the local board that his Notice of Classification (SSS Form 110) has been lost, destroyed, mislaid, or stolen.

§ 1623.8 [Revoked]

f. Section 1623.8 *Register of conscientious objectors* is revoked.

PART 1624—APPEARANCE BEFORE LOCAL BOARD

SEC. 9. Part 1624 is amended to read as follows:

§ 1624.1 Opportunity to appear in person.

(a) Every registrant after his classification is determined by the local board, except a classification which is determined upon an appearance before the local board under the provisions of this part, shall have an opportunity to appear in person before the local board.

(b) A registrant who has filed a claim for classification in Class 1–O, Class 1–A–O, or Class 3–A, upon his request, shall be afforded an opportunity before his classification is determined by the local board to appear in person before the local board. Should such registrant appear in person before the local board in advance of his classification being determined he shall not be afforded an opportunity to appear concerning such classification after such determination.

§ 1624.2 Request for personal appearance.

A registrant who desires a personal appearance before his local board must file a written request therefor within 15 days after the local board has mailed a Notice of Classification (SSS Form 110) to him. Such 15-day period may not be extended.

§ 1624.3 Appointment for personal appearance.

The local board, not less than 15 days in advance of the meeting at which he may appear, shall inform the registrant of the time and place of such meeting

and that he may present evidence, including witnesses, bearing on his classification. Should the registrant fail, for good cause he establishes to the satisfaction of the local board, to appear at such meeting, he shall be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting.

§ 1624.4 Procedure during appearance before local board.

(a) A quorum of the local board shall be present during all personal appearances.

(b) At any such appearance, the registrant may present evidence including witnesses, may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the local board in determining his proper classification. Such information shall be in writing, or, if oral, shall be summarized in writing by the registrant and, in either event, shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances.

(c) A registrant is entitled to such time for his personal appearance as is reasonably necessary for the fair presentation of his claim. Normally 15 minutes shall be deemed adequate for this purpose, consistent with the informal and expeditious processing required in selective service cases. If it appears to the board that further time is reasonably necessary, the board shall extend the time. During the time available to a registrant, he may present the testimony of not more than three witnesses.

(d) If the registrant does not speak English adequately he may appear with a person to act as interpreter for him.

(e) No registrant may be represented before the local board by anyone acting as attorney or legal counsel.

§ 1624.5 Procedure when local board does not reopen or when registrant fails to appear.

If the local board determines that the information presented at the registrant's personal appearance does not justify a change in the registrant's classification or if a registrant for whom a personal appearance is scheduled fails to appear for such personal appearance it shall not reopen the registrant's classification, but by letter, it shall promptly notify the registrant of its decision not to change his classification and, by a brief statement, of the reasons therefor.

§ 1624.6 Record of personal appearance and classification.

(a) A notation that the registrant has appeared before his local board shall be entered on the Classification Questionnaire (SSS Form 100).

(b) If the local board determines that the information presented at the registrant's personal appearance warrants a change in the registrant's classification, the local board shall classify the registrant and, as soon as practicable thereafter, mail notice thereof on Notice of Classification (SSS Form 110) to the registrant.

§ 1624.7 Appearance before local board stays induction.

The local board shall not issue an order for a registrant to report for induction either during the period afforded the registrant to request an appearance in person before the local board or, if the registrant has requested such an appearance, during the period such appearance is pending. Any order to report for induction which has been issued during either of such periods shall be ineffective and shall be canceled by the local board.

PART 1625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

SEC. 10. Part 1625 is amended as follows:

a. Section 1625.1 is amended to read as follows:

§ 1625.1 Classification not permanent.

(a) No classification is permanent.

(b) Each classified registrant shall, within 10 days after it occurs, report to the local board in writing any fact, such as, but not limited to, any change in his occupational, marital, military, or dependency status, or in his physical condition, that might result in his being placed in a different classification.

(c) The local board shall keep informed of the status of classified registrants. Registrants may be questioned or physically or mentally reexamined, employers may be requested to furnish information, police officials or other agencies may be requested to make investigations, and other steps may be taken by the local board to keep currently informed concerning the status of classified registants.

b. Section 1625.2 is amended to read as follows:

§ 1625.2 When registrant's classification may be reopened and considered anew.

(a) The local board may reopen and consider anew the classification of a registrant (1) upon the written request of the registrant if such request is accompanied by written information presenting facts not considered when the registrant was classified, which, if true, would justify a change in the registrant's classification; or (2) upon its own motion if such action is based upon facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification; provided, in either event, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an order to report for induction or alternate service unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

(b) The local board may also reopen and consider anew the classification (1) of a registrant in Class 1-H who becomes subject to processing for induction according to these regulations and the rules prescribed by the Director; and (2) of a registrant in any classification for the purpose of classifying him 1-H according to these regulations and the rules prescribed by the Director.

c. Section 1625.3 is amended to read as follows:

§ 1625.3 When registrant's classification shall be reopened and considered anew.

The local board shall reopen and consider anew the classification of a registrant upon the written request of the State Director of Selective Service or the Director of Selective Service and upon receipt of such request shall immediately cancel any order to report for induction or alternate service which may have been issued to the registrant.

d. Section 1625.4 is amended to read as follows:

§ 1625.4 Refusal to reopen and consider anew registrant's classification.

When a registrant files with the local board a written request to reopen and consider anew the registrant's classification and the local board is of the opinion that the information accompanying such request fails to present any facts in addition to those considered when the registrant was classified or, even if new facts are presented, the local board is of the opinion that such facts, if true, would not justify a change in such registrant's classification, it shall not reopen the registrant's classification. In such a case, the local board (1) shall record in the registrant's file the reasons for its decision not to reopen his classification, and (2) shall advise the registrant by letter of its decision not to reopen his classification and the reasons therefor.

e. Section 1625.12 is amended to read as follows:

§ 1625.12 Notice of action when classification considered anew.

When the local board reopens the registrant's classification, it shall, as soon as practicable after it has again classified the registrant, mail him notice thereof.

f. Section 1625.14 *Cancellation of order to report for induction or for civilian work by reopening of classification* is amended to read as follows:

§ 1625.14 Cancellation of order to report for induction or for alternate service by reopening of classification.

The reopening of the classification of a registrant by the local board shall cancel any order to report for induction or alternate service which may have been issued to the registrant, except that if the registrant has failed to comply with

either of those orders, the reopening of his classification thereafter by the local board for the purpose of placing him in Class 4–C shall not cancel the order with which he failed to comply.

PART 1626—APPEAL TO APPEAL BOARD

SEC. 11. Part 1626 is amended to read as follows:

§ 1626.1 Who may appeal.

The Director of Selective Service and the State Director of Selective Service as to the local boards in his State may appeal from any determination of a local board at any time. The registrant may appeal to an appeal board from his classification by the local board in Class 1–A, 1–A–O, or 1–O.

§ 1626.2 Time limit within which registrant may appeal.

The registrant must file his appeal and his request for a personal appearance before the appeal board, if such personal appearance is desired, within 15 days after the date the local board mails to the registrant a Notice of Classification (SSS Form 110). At any time prior to the date the local board mails to the registrant an Order to Report for Induction (SSS Form 252) the local board may permit him to appeal even though the period for taking an appeal has elapsed, if it is satisfied that his failure to appeal within such period was due to a lack of understanding of the right to appeal or to some cause beyond his control. If the local board grants an extension of time to appeal to the registrant, he may within such extended period, also request an appearance before the appeal board.

§ 1626.3 Procedure for taking an appeal.

(a) Any person entitled to do so may appeal to the appeal board by filing with the local board a written notice of appeal. If the Director of Selective Service or the State Director of Selective Service appeals to the appeal board he shall place in the registrant's file a written statement of his reasons for taking such appeal. If the registrant is taking the appeal, he may also request an opportunity to appear in person before the appeal board. The notice of appeal need not be in any particular form, but must include the name of the registrant. Any notice shall be liberally construed so as to permit the appeal.

(b) Whenever an appeal to the appeal board involves a registrant whose principal place of employment or whose current place of residence is located outside the appeal board area in which the local board having jurisdiction over the registrant is located and is located in the area of another appeal board, the person appealing may, at the time he files the notice of appeal, file with the local board a written request that the appeal be submitted to the appeal board having jurisdiction over the area in which is located the principal place of employment or residence of the registrant.

(c) The registrant may attach to his appeal a statement specifying the reasons he believes the classification inappropriate, directing attention to any information in his file which he believes received inadequate consideration, and setting out more fully any information which was submitted.

(d) Whenever an appeal is taken from a local board's classification by the Director of Selective Service or the State Director of Selective Service, the local board shall notify the registrant in writing of the action, the reasons therefor, and inform him that if he desires to appear before the appeal board he must within 15 days from the date on the letter of notification, file with the local board a written request for such an appearance.

§ 1626.4 Review by appeal board.

(a) The appeal board shall consider appeals in the order of the random sequence numbers of the registrants, the lowest being considered first, unless otherwise directed by the Director of Selective Service, in which event, appeals shall be considered in such order as the Director of Selective Service shall prescribe.

(b) Upon receipt of the file, the appeal board shall ascertain whether the registrant has requested a personal appearance before the appeal board. If no such request had been made, the appeal board may classify the registrant not less than 15 days after the receipt of the registrant's file.

(c) Not less than 15 days in advance of the meeting at which his classification will be considered, the Board shall inform any registrant who has requested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail, for good cause he establishes to the satisfaction of the Board, to appear at such meeting, he shall be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting.

(d) A registrant is entitled to such time for his personal appearance before an appeal board as the board determines is reasonably necessary for the fair presentation of his claim, consistent with the informal and expeditious processing required in selective service cases, but shall not be entitled to present witnesses.

(e) At any such appearance, the registrant may present evidence, may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the board in determining his proper classification. Such information shall be in writing, or, if oral, shall be summarized in writing by the registrant and, in either event, shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances.

(f) The appeal board shall classify a registrant who has requested a personal appearance after (1) he has appeared before the Board, (2) he withdrew his request to appear, (3) waived his right to an opportunity to appear, or (4) failed to appear without establishing to the satisfaction of the Board good cause therefor. When a registrant appears before the appeal board, only those members of the appeal board before whom the registrant appeared shall classify him.

(g) In reviewing the appeal and classifying the registrant, the Board shall not receive or consider any information other than the following:

(1) Information contained in the record received from the local board;

(2) General information concerning economic, industrial, and social conditions; and

(3) Oral statements by the registrant to the appeal board during his personal appearance.

(h) The appeal board shall classify the registrant, giving consideration to the various classes in the same manner in which the local board gives consideration thereto when it classifies a registrant.

(i) In the event that the appeal board classifies the registrant in a class other than that he requested it shall record its reasons therefor in his file. Upon the receipt by the local board of a written request by the registrant it shall furnish to such registrant a brief statement of the reasons for the decision of the appeal board.

§ 1626.6 Procedure of local board when advised of decision of appeal board.

When the local board receives notice of the decision of a case by the appeal board, it shall mail a Notice of Classification (SSS Form 110) to the registrant, and enter upon such form the record of the vote of the appeal board as follows: "Vote of appeal board—Yes ____ No ____." At the time of mailing of the Notice of Classification (SSS Form 110), the local board, if the classification by the appeal board was not by unanimous vote, shall notify the registrant in the manner prescribed by the Director of Selective Service of his right to appeal to the National Selective Service Appeal Board, and of his right to personally appear before the National Selective Service Appeal Board.

§ 1626.7 Appeal stays induction or order to report for civilian work.

The local board shall not issue an order for a registrant to report for induction or for alternate service in lieu of induction either during the period afforded the registrant to take an appeal to the appeal board or during the period such an appeal is pending. Any order to report for induction, or for civilian work in lieu of induction, which has been issued during either of such periods shall be ineffective and shall be canceled by the local board. Whenever an appeal to the appeal board has been taken during the time allowed

for taking appeals by a person entitled to do so, any order to report for induction or for civilian work which has been previously issued to the registrant shall be ineffective and shall be canceled by the local board.

PART 1627—APPEAL TO THE PRESIDENT

SEC. 12. Part 1627 is amended to read as follows:

§ 1627.1 Persons who may appeal to the President.

(a) The Director of Selective Service, the State Director of Selective Service of the State in which the local board which classified the registrant is located, or the State Director of Selective Service of the State in which the appeal board is located may appeal to the President from any determination of an appeal board at any time prior to the induction of the registrant.

(b) When a registrant has been classified by the appeal board and one or more members of the appeal board dissented from that classification, he may appeal to the President within 15 days after the mailing by the local board of the Notice of Classification (SSS Form 110) notifying him of his classification by the appeal board. The local board may permit any registrant who is entitled to appeal to the President under this section to do so, even though the period of taking such an appeal has elapsed, if it is satisfied that his failure to appeal within such period was due to lack of understanding of the right to appeal or to some other cause beyond his control.

§ 1627.2 Procedure for taking an appeal to the President.

(a) An appeal to the President may be taken by the Director of Selective Service (1) by mailing to the local board, through the State Director of Selective Service, a written notice of appeal or (2) by placing in the registrant's file a written notice of appeal and, through the State Director of Selective Service, advising the local board thereof.

(b) An appeal to the President may be taken by the State Director of Selective Service (1) by mailing to the local board a written notice of appeal and directing the local board to forward the registrant's file to him for transmittal to the Director of Selective Service or (2) by placing in the registrant's file a written notice of appeal and advising the local board thereof. Before he forwards the registrant's file to the Director of Selective Service, the State Director of Selective Service shall place in such file a written statement of his reasons for taking such appeal.

(c) An appeal to the President by the registrant shall be taken by filing with the local board a written notice of appeal. Such notice need not be in any particular form but must state the name of the registrant and the fact he wishes the President to review the determination of the appeal board.

§ 1627.3 Procedure on appeal to the President.

(a) When an appeal to the President is taken by the Director of Selective Service or a State Director of Selective Service, the local board shall notify the registrant that the appeal has been taken. If the registrant's file is in the local board's possession, it shall forward the entire file to the State Director of Selective Service and the local board shall enter on the Classification Record (SSS Form 102) under "Remarks" the date the file is forwarded or the date it receives notice that an appeal to the President has been taken.

(b) When an appeal to the President is taken, the State Director of Selective Service shall check the file which is in his possession or which is forwarded to him to be sure that all procedural requirements have been properly complied with, including notice to the registrant that such an appeal has been taken, and, if he discovers any procedural defects, return the file for correction. If any information has been placed in the file which was not considered by the local board in making the classification from which the appeal to the President is taken, the State Director of Selective Service shall review such information and, if he is of the opinion that such information, if true, would justify a different classification of the registrant, return the file to the local board with instructions to reopen the registrant's classification and classify the registrant anew.

(c) When the State Director of Selective Service has complied with the provisions of paragraph (b) of this section, he shall, unless the file is returned to the local board, forward the file to the Director of Selective Service.

(d) Whenever the State Director or Director appeals to the President, the registrant shall be notified by his local board in writing of the action and informed that if he desires to appear before the National Selective Service Appeal Board he must within 15 days from the date on the letter of notification, request such an appearance in writing, addressed to his local board. The local board shall forthwith notify the National Selective Service Appeal Board of such request.

(e) If the registrant is taking the appeal, he may at the same time also file a written request with the local board to appear before the National Selective Service Appeal Board. The local board shall forthwith notify the National Selective Service Appeal Board of such request.

§ 1627.4 Procedures of the National Selective Service Appeal Board.

(a) An appeal to the President is determined by the National Selective Service Appeal Board by its classification of the registrant. The Board will consider appeals in the order prescribed by the Director of Selective Service.

(b) The National Board shall proceed forthwith to classify any registrant who has not requested a personal appearance after the specified time in which to request a personal appearance has elapsed.

(c) Not less than 15 days in advance of the meeting at which his classification will be considered, the Board shall inform any registrant who has requested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail, for good cause he establishes to the satisfaction of the National Board, to appear at such meeting, he shall be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting.

(d) The registrant is entitled to 15 minutes for his personal appearance. The National Board may, in its discretion, extend the time of the registrant's personal appearance. No registrant may be represented before the National Board by anyone acting as attorney or legal counsel.

(e) At any such appearance, the registrant may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the National Board in determining his proper classification, at the time he requests a personal appearance.

(f) The National Board shall classify a registrant who has requested a personal appearance after (1) he has appeared before the National Board, (2) he withdrew his request to appear, (3) waived his right to an opportunity to appear, or (4) failed to appear without establishing to the satisfaction of the National Board good cause therefor. When a registrant appears before the National Board, only those members of the Board before whom the registrant appeared shall classify him.

(g) In reviewing the appeal and classifying the registrant, the National Board shall not receive or consider any information other than the following:

(1) Information contained in the registrant's record received from the local board;

(2) General information concerning economic, industrial, and social conditions; and

(3) Oral statements by the registrant to the National Board during his personal appearance.

(h) In the event that the National Board classifies the registrant in a class other than that he requested it shall record its reasons therefor in his file. Upon the receipt by the local board of a written request by the registrant mailed within 30 days after the mailing of a Notice of Classification (SSS Form 110) in accord with § 1627.6 it shall furnish to such registrant a brief statement

of the reasons for the decision of the National Board.

§ 1627.5 File to be returned after appeal to the President is decided.

When the appeal to the President has been decided, the file shall be returned to the local board through the appropriate State Director of Selective Service.

§ 1627.6 Procedure of local board after file is returned.

When the file of the registrant is received by the local board, it shall: (a) Mail a Notice of Classification (SSS Form 110) to the registrant and (b) enter on the Classification Record (SSS Form 102) and on the Classification Questionnaire (SSS Form 100) the classification given the registrant by the President and the date of mailing of the Notice of Classification (SSS Form 110).

§ 1627.7 Appeal to the President stays induction.

The local Board shall not issue an order for a registrant to report for induction either during the period afforded the registrant to take an appeal to the President or during the period such appeal is pending. Any order to report for induction which has been issued during either of such periods shall be ineffective and shall be canceled by the local board. Whenever an appeal to the President has been taken by a person entitled to do so, any other to report for induction which has previously been issued to the registrant shall be ineffective and shall be canceled by the local board.

SEC. 13. Part 1628—*Physical Examination* is amended to read as follows:

PART 1628—EXAMINATION OF REGISTRANTS

§ 1628.1 Who will be examined.

(a) Every registrant, before he is ordered to report for induction or ordered to perform alternate service contributing to the maintenance of the national health, safety, or interest, shall have his acceptability for military service determined under standards of acceptability prescribed by the Secretary of Defense, except that a registrant who has volunteered for induction or a registrant who has failed or refused to report for and submit to an Armed Forces examination may have his acceptability determined at the time he reports for induction.

(b) The Director of Selective Service shall prescribe procedures for the selection and delivery of registrants for Armed Forces examination.

(c) Based on lists of various medical conditions or physical defects that disqualify registrants for service in the Armed Forces, as may be issued from time to time by the Surgeon General of the Department of the Army, the local board, under such rules and regulations as the Director of Selective Service may prescribe shall determine whether a registrant who has or who may have such disqualifying medical condition or defect shall be delivered for an armed forces examination.

§ 1628.2 Preliminary determination of acceptability.

(a) Whenever the local board has reason to believe that a registrant has a disqualifying medical condition or physical defect enumerated in the list described in § 1628.1(c), it shall determine whether (1) he has such medical condition or physical defect, (2) he should be delivered for Armed Forces examination, or (3) only the medical information in such registrant's file together with the medical advisor's recommendation, if applicable, shall be forwarded to the AFEES for review and determination. In making this determination, the local board shall consider the report and recommendation, if available, of a medical advisor following a medical interview.

§ 1628.3 Registrants to be given medical interview.

Whenever the local board is of the opinion that a registrant has one or more of the disqualifying medical conditions or physical defects which appear in the list described in § 1628.1(c), it may order the registrant to present himself for medical interview at a specified time and place by mailing to such registrant a Notice to Registrant To Appear for Medical Interview (SSS Form 219). It shall be the duty of the registrant to present himself to the medical advisor to the local board at the time and place designated and to submit to examination.

§ 1628.4 Duties of medical advisors to local board.

The medical advisor to the local board shall (1) give each registrant who presents himself for medical interview such examination as he deems necessary to determine whether the registrant has one or more of the disqualifying medical conditions or physical defects which appear in the list described in § 1628.1(c) or (2) review each affidavit of a reputable physician or official statement of a representative of a Federal or State agency referred to him by the local board. No laboratory or X-ray work shall be authorized but reports of laboratory or X-ray work performed previously and presented by the registrant may be given consideration by the medical advisor. From such examination or review, the medical advisor to the local board shall determine whether the registrant has one or more of the disqualifying medical conditions or physical defects which appear in the list described in § 1628.1(c) and shall report his findings to the local board.

§ 1628.5 Transfer for medical interview.

Any registrant who has received a Notice to Registrant to Appear for Medical Interview (SSS Form 219) and who is so far from his own local board that presenting himself to the medical advisor to his local board would be a hardship may file a written request with the local board having jurisdiction of the area in which he is at that time located for his transfer for medical interview to that local board. The local board with which the request for transfer for medical interview is filed shall forward the request to the registrant's own local board.

§ 1628.6 Order to report for Armed Forces examination.

(a) In accordance with instructions of the Director of Selective Service, the State Director of Selective Service shall periodically issue to each local board in his State an Examination Call on Local Board (SSS Form 202) for registrants to be delivered for Armed Forces examination and the time and place fixed for their delivery.

(b) The local board shall select and order for Armed Forces examination registrants in accordance with the instructions of the Director of Selective Service. The date specified for reporting for such examination shall be at least 10 days after the date on which the Order to Report for Armed Forces Examination (SSS Form 223) is mailed, except that a registrant who has volunteered for induction may be ordered to report for such examination on any date after he has so volunteered.

(c) The local board shall also order for Armed Forces examination those registrants who have not attained age 26 and who have not previously had such an examination, who request such examination. Requests for examinations must be submitted in writing to the registrant's local board. The local board shall establish a specific date for the examination, which date shall be within 60 days of the receipt of the applicant's request, and the registrant shall be given written notice thereof at least 15 days prior to the date of such examination. A registrant shall have the right to receive only one preinduction examination on his own request. The Director of Selective Service may temporarily suspend the provisions of this paragraph for particular States or particular local boards if he determines that the number of such requests, if granted, would adversely affect the processing of men toward induction or would increase the total workloads of the respective Armed Forces Examining and Entrance Stations beyond their capacities. If any registrant is found acceptable upon examination at his request, he will not be selected for induction until his normal sequence number is reached.

§ 1628.7 Postponement of Armed Forces examination.

The issuance of an Order to Report for Armed Forces Examination (SSS Form 223) may be delayed or the forwarding of a registrant under such an order may be postponed to the same extent and in the same manner as provided in § 1633.2 of this chapter with reference to an Order to Report for Induction (SSS Form 252): *Provided*, That any such delay or postponement under the provisions of this section shall terminate whenever the local board determines

that the induction of the registrant is imminent, in which event the local board shall order the registrant to report for Armed Forces examination.

§ 1628.8 Transfer of registrants for examination.

(a) Any registrant who has received an Order to Report for Armed Forces Examination (SSS Form 223) and who is so far from his own local board that reporting to his own local board would be a hardship may, subject to the provisions of this section, be transferred for Armed Forces examination to the local board having jurisdiction of the area in which he is at that time located.

(b) Any such registrant desiring to be so transferred shall immediately report to the local board having jurisdiction of the area in which he is at that time located, present his Order to Report for Armed Forces Examination (SSS Form 223) and apply for transfer by completing Part 1 of Transfer for Armed Forces Examination or Induction (SSS Form 230).

(c) The registrant shall be required to report in accordance with the Order to Report for Armed Forces Examination (SSS Form 223), which he received from his own local board, if his application for transfer is disapproved.

§ 1628.9 Transfer for Armed Forces examination directed by Director of Selective Service.

(a) The Director of Selective Service may direct that a particular registrant or a registrant who comes within a described group of registrants be transferred for Armed Forces examination to such local board or local boards as he shall designate.

§ 1628.10 Duty of registrant to report for and submit to Armed Forces examination.

(a) When the local board mails to a registrant an Order to Report for Armed Forces Examination (SSS Form 223), it shall be the duty of the registrant to report for such examination at the time and place fixed in such order unless, after the date the Order to Report for Armed Forces Examination (SSS Form 223) is mailed and prior to the time fixed therein for the registrant to report for his Armed Forces examination, the local board cancels such Order to Report for Armed Forces Examination (SSS Form 223) or postpones that time when such registrant shall so report and advises the registrant in writing of such cancellation or postponement.

(b) If the time when the registrant is ordered to report for Armed Forces examination is postponed, it shall be the duty of the registrant to report for Armed Forces examination upon the termination of such postponement and he shall report for Armed Forces examination at such time and place as may be fixed by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for Armed Forces examination when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for Armed Forces examination to his local board and to each local board whose area he enters or in whose area he remains.

(c) Upon reporting for Armed Forces examination, it shall be the duty of the registrant (1) to follow the instructions of a member, executive secretary, or local board clerk as to the manner in which he will be transported to the location where his Armed Forces examination will take place, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for Armed Forces examination, (3) to appear for and submit to such examination as the commanding officer of the examining station shall direct, and (4) to follow the instructions of a member, executive secretary, or clerk of the local board as to the manner in which he will be transported on his return trip from the place where his Armed Forces examination takes place.

PART 1630—VOLUNTEERS

SEC. 14. Part 1630 is amended as follows:

a. Section 1630.4 is amended to read as follows:

§ 1630.4 Classification of volunteers.

(a) When a man who is not in a deferred class files an Application for Voluntary Induction (SSS Form 254) he shall be processed for induction regardless of the class in which he is classified.

(b) When a man who is in a deferred class files an Application for Voluntary Induction (SSS Form 254) he shall be classified in Class 1-A as soon as possible.

§ 1630.5 [Revoked]

b. Section 1630.5 *Selection of volunteer* is revoked.

SEC. 15. Part 1631—*Quotas and Calls* is amended to read as follows:

PART 1631—ALLOCATION OF INDUCTIONS

§ 1631.1 Random selection sequence for induction.

The Director of Selective Service shall establish a random selection sequence for induction. Such random selection sequence will be established by a drawing to be conducted in Washington, D.C., once each year on a date the Director shall fix, and shall be applied nationwide. The random selection method shall use 365 days or, when appropriate, 366 days to represent the birthdays (month and day only) of all registrants who, during the calendar year within which occurs the date fixed for the drawing, shall have attained their 19th but not their 20th year of age. The drawing, commencing with the first day selected and continuing until all 365 days or, when appropriate, 366 days are drawn, shall be accomplished impartially. The random selection sequence thus obtained shall, in accordance with the Selective Service Regulations, determine the order of selection of such registrants. The random sequence number thus determined for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection. A random sequence number established for a registrant shall be equivalent, for purposes of selection, to the same random sequence established for other registrants in other drawings, including the drawings of December 1, 1969 and of July 1, 1970, and the random selection sequences obtained in those drawings shall continue to determine the order of selection of the registrants covered thereby in accordance with the Selective Service Regulations. Selection among registrants who have the same random sequence number shall be based upon the supplemental drawing conducted December 1, 1969, which determined alphabetically a random selection sequence by name.

§ 1631.2 Allocation of inductions under random selection.

When persons are selected for training and service in accordance with random selection, allocations of inductions shall be placed under such rules and regulations as the Director of Selective Service may prescribe.

§ 1631.3 Calls by the Secretary of Defense.

The Secretary of Defense may from time to time place with the Director of Selective Service a call or requisition for men required for induction into the Armed Forces. The Secretary of Defense may also from time to time place with the Director of Selective Service a call or requisition for men in any medical, dental, or allied specialist category required for induction into the Armed Forces.

§ 1631.4 Allocations by the Director of Selective Service.

(a) The Director of Selective Service shall, upon receipt of a call or requisition from the Secretary of Defense for men to be inducted into the Armed Forces, issue a call or requisition to the several States.

(b) Upon receipt of a call or requisition from the Secretary of Defense for men in a medical, dental, or allied specialist category to be inducted into the Armed Forces, the Director of Selective Service shall issue a call or requisition to the several States.

§ 1631.5 Allocations by State Director of Selective Service.

The State Director of Selective Service shall direct each local board to select and deliver men for induction in accordance with the rules and regulations as the Director of Selective Service may prescribe.

§ 1631.6 Action by local board upon receipt of allocation.

(a) When an allocation is received from the State Director of Selective Service, the executive secretary or clerk, if so authorized, or a local board member shall select as provided herein, and issue orders to report for induction to those men required to fill the call from among

its registrants who have been classified in Class 1–A or Class 1–A–O and have been found acceptable for service in the Armed Forces and to whom a Statement of Acceptability (DD Form 62) has been mailed: *Provided,* That notwithstanding Part 1628 of this chapter or any other provision of these regulations, when a registrant in whatever classification has refused or otherwise failed to comply with an order of his local board to report for and submit to an Armed Forces physical examination, he may, after he is reclassified into Class 1–A or 1–A–O be selected and ordered to report for induction even though he has not been found acceptable for service in the Armed Forces and a Statement of Acceptability (DD Form 62) has not been mailed to him, and in such case the Armed Forces examination shall be performed after he has reported for induction as ordered and he shall not be inducted until his acceptability has been satisfactorily determined: *Provided further,* That a registrant who has volunteered for induction may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the Armed Forces and regardless of whether or not a Statement of Acceptability (DD Form 62) has been mailed to him, but in such case the Armed Forces examination shall be performed after he has reported for induction as ordered and he shall not be inducted until his acceptability has been satisfactorily determined.

(b) Registrants shall be selected and ordered to report for induction in the following categories and in the order indicated:

(1) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(2) Nonvolunteers in the Extended Priority Selection Group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(3) Nonvolunteers in the First Priority Selection Group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(4) Nonvolunteers in each of the lower priority selection groups, in turn, within the group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(5) Nonvolunteers who have attained the age of 19 years during the calendar year but who have not attained the age of 20 years, in the order of their dates of birth with the oldest being selected first.

(6) Nonvolunteers who have attained the age of 26 years in the order of their dates of birth with the youngest being selected first.

(7) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

(c) Definitions:

(1) Extended Priority Selection Group consists of registrants who on December 31 were members of the First Priority Selection Group whose random sequence number had been reached but who had not been issued Orders to Report for Induction.

(2) First Priority Selection Group:

(i) 1970. In the calendar year 1970, nonvolunteers in Class 1–A or 1–A–O born on or after January 1, 1944, and on or before December 31, 1950, who have not attained the 26th anniversary of the dates of their birth.

(ii) 1971 and later years. In the calendar year 1971 and each calendar year thereafter, nonvolunteers in Class 1–A, Class 1–A–O, or Class 1–H who prior to January of each such calendar year have attained the age of 19 years but not of 20 years and nonvolunteers who prior to January 1 of each such calendar year have attained the age of 19 but not of 26 years and who during that year are classified into Class 1–A, Class 1–A–O, or Class 1–H.

(3) Lower priority selection groups. One or more priority selection groups lower than the First Priority Selection Group in a given year.

(4) "Reached" random sequence number. A registrant's random sequence number will be deemed to have been "reached" if such number is equal to or lower than the random sequence number set by the Director of Selective Service or the highest random sequence number to be ordered for induction for that calendar year for any registrant in that priority selection group.

(d) Procedures:

(1) Local boards shall identify registrants in the appropriate groups as provided in this section.

(2) Members of the First Priority Selection Group on December 31 in any calendar year whose random sequence numbers have not been reached by that date, or members of any subgroup which was not reached during such calendar year, shall be assigned to the priority selection group which is next below the First Priority Selection Group for the immediately succeeding calendar year.

(3) On December 31 of each year, each priority selection group below the first priority selection group shall be reduced one step further in priority. In this manner the second priority selection group would become the third, the third would become the fourth, and so on.

(4) Members of the First Priority Selection Group on December 31 in any calendar year whose random sequence number had been reached but who had not been issued Orders to Report for induction during the calendar year shall be assigned to the Extended Priority Selection Group for the immediately succeeding calendar year.

(5) Members of the Extended Priority Selection Group who have not been issued orders to report for induction and originally scheduled for a date prior to April 1 shall forthwith be assigned to the lower priority selection group to which they would have been assigned had they never been assigned to the Extended Priority Selection Group; except that members of the Extended Priority Selection Group who would have been ordered to report for induction to fill the last call in the first quarter of the calendar year but who could not be issued orders shall remain in the Extended Priority Selection Group and shall be ordered to report for induction as soon as practicable. Circumstances which would prevent such an order shall include but not be limited to those arising from a personal appearance, appeal, preinduction physical examination, reconsideration, judicial proceeding, or inability of the local board to act.

(6) Any registrant assigned to a lower priority selection group or the Extended Priority Selection Group, who while in such priority selection group receives a deferment or exemption, and who subsequently is reclassified into Class 1–A, Class 1–A–O, or Class 1–H, shall be assigned to the priority selection group which, at the time of such reclassification, is in the same corresponding position as was the priority selection group of which he was a member when he received such deferment or exemption.

(7) A registrant in category (b) (2), (3), or (4) can be inducted under those provisions after he has attained the age of 26 only if he has extended liability and has been issued an order to report for induction prior to such birthday.

(8) Within category (3) and (4) listed in (b) there shall be a subgroup consisting of registrants who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide family relationship in their homes. Registrants in any such subgroup shall be subject in all respects to this section except that they shall be selected after other registrants in the group of which that subgroup is a part.

§ 1631.7 Registrants who shall be inducted without calls.

(a) Notwithstanding any other provision of the regulations in this chapter, any registrant enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511(b) of title 10, United States Code), the Army National Guard, or the Air National Guard, prior to attaining the age of 26 years, or any registrant enlisted or appointed in the Army National Guard or the Air National Guard prior to attaining the age of 18 years and 6 months and prior to September 3, 1963, and deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act which were in effect prior to September 3, 1963, or any registrant enlisted in the Ready Reserve of any reserve component of the Armed Forces prior to attaining the age of 18 years and 6 months and prior to August 1, 1963, and deferred under section 262 of the Armed Forces Reserve Act of 1952, as amended, who fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve or National Guard or the Ready Reserve of another

reserve component or the National Guard of which he becomes a member as certified by the respective armed force, shall be ordered to report for induction by the local board regardless of the class in which he is classified and without changing his classification. Any registrant who is ordered to report for induction under this paragraph shall be forwarded for induction at the next time the local board is forwarding other registrants for induction or at any prior time when special arrangements have been made with the induction station, without any calls being made for the delivery of such registrants. Whenever the local board desires to deliver such a registrant specially, it shall request the State Director of Selective Service to make the special arrangements for the time and place at which the registrant may be delivered for induction.

(b) At the induction station, each registrant who is forwarded for induction under paragraph (a) of this section shall be inducted into the armed force of which the reserve component in which the registrant is a member is a part.

(c) Notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.

PART 1632—DELIVERY AND INDUCTION

SEC. 16. Part 1632 is amended as follows:

a. Section 1632.1 is amended to read as follows:

§ 1632.1 Order to report for induction.

(a) Immediately upon determining which men are to report for induction, the local board shall prepare for each man an Order to Report for Induction (SSS Form 252). The date specified to report for induction shall be at least 30 days after the date on which the Order to Report for Induction (SSS Form 252) is mailed, except that a registrant who has volunteered for induction may be ordered to report for induction on any date after he has so volunteered.

(b) Any registrant who has been ordered for induction and who is distant from his local board of origin, must report at the time and place specified on the notice ordering him for induction, unless he voluntarily submits to processing for induction at any Armed Forces Examining and Entrance Station and is actually inducted into the Armed Forces on or before the third day prior to the day that he was required to report in accordance with his local board's induction order.

(c) If the registrant is inducted or if the registrant is found not qualified for induction pursuant to paragraph (b) thereof, the Armed Forces Examining and Entrance Station shall inform the local board which ordered the registrant for induction of such event, and in either event the registrant shall not be required to comply with the local board's order.

§ 1632.5 [Revoked]

b. Section 1632.5 *Preparing records for a group ordered to report for induction* is revoked.

§ 1632.10 [Amended]

c. Paragraph (c) of § 1632.10 *Transfer for induction* is amended to read as follows:

(c) When the local board to which the registrant has been transferred for induction receives the papers from the registrant's own local board, as provided in paragraph (b) of this section, it shall proceed to deliver him for induction as soon as practicable.

§ 1632.14 [Amended]

d. Paragraph (a) of § 1632.14 *Duty of registrant to report for and to submit to induction* is amended to read as follows:

(a) When the local board orders the registrant for induction it shall be the duty of the registrant to report for induction at the time and place ordered by the local board. If the time when the registrant is ordered to report for induction is postponed, it shall be the continuing duty of the registrant to report for induction at such time and place as may be ordered by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for induction when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for induction to his local board.

PART 1642—DELINQUENTS

SEC. 17. Part 1642—*Delinquents* is revoked.

PART 1655—REGISTRATION OF U.S. CITIZENS OUTSIDE THE UNITED STATES AND CLASSIFICATION OF SUCH REGISTRANTS

§ 1655.6 [Revoked]

SEC. 18. Section 1655.6 *Records to be completed by local board receiving registration questionnaire—Foreign (SSS Form 50) and assignment of selective service number* is revoked.

PART 1660—CIVILIAN WORK IN LIEU OF INDUCTION

SEC. 19. Part 1660—*Civilian Work In Lieu of Induction* is revoked.

CURTIS W. TARR,
Director.

NOVEMBER 1, 1971.

[FR Doc.71-16100 Filed 11-2-71;8:51 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

DEFLECTION YOKES FROM JAPAN

Antidumping Proceeding Notice

On September 22, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that deflection yokes (of the type used in color television receivers) from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs in instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: October 21, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-16139 Filed 11-2-71;8:52 am]

ICE CREAM SANDWICH WAFERS FROM CANADA

Withholding of Appraisement Notice

Information was received on October 21, 1970, that ice cream sandwich wafers from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice," which was published in the FEDERAL REGISTER of February 19, 1971, on page 3203. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of ice cream sandwich wafers from Canada is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of ice cream sandwich wafers from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37) interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(a), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of 3 months from the date of this publication, unless previously revoked.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: October 26, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-16137 Filed 11-2-71;8:52 am]

ASBESTOS-CEMENT PIPE FROM JAPAN

Withholding of Appraisement Notice

Information was received on November 13, 1970, that asbestos-cement pipe from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of February 2, 1971, on page 1546. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of asbestos-cement pipe from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of Reasons:

Information currently before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the f.a.s. Japanese port price inland freight and shipping charges.

It appears that home market price will be based on the delivered job site price with a deduction made for inland freight. Adjustments will be made for differences in packing, inspection fees, interest expenses, commissions, and technical services, as appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of asbestos-cement pipe from Japan in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to section 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER. It shall cease to be effective at the expiration of

6 months from the date of this publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: October 26, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-16140 Filed 11-2-71;8:52 am]

Office of the Secretary

PENTAERYTHRITOL FROM ITALY

Notice of Discontinuance of Antidumping Investigation

On July 23, 1971, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Antidumping Investigation" of pentaerythritol from Italy.

The statement of reasons for intending to discontinue this investigation was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the intended action.

No written submissions or requests having been received and for the reasons stated in the "Notice of Intent to Discontinue Antidumping Investigation," I hereby discontinue the antidumping investigation of pentaerythritol from Italy.

This "Notice of Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(b) of the Customs regulations (19 CFR 153.15(b)).

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

OCTOBER 21, 1971.

[FR Doc.71-16141 Filed 11-2-71;8:52 am]

ICE CREAM SANDWICH WAFERS FROM CANADA

Determination of Sales at Less than Fair Value

Information was received on October 21, 1970, that ice cream sandwich wafers from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs is being published concurrently with this notice.

I hereby determine that ice cream sandwich wafers from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 201 (a) of the Act.

Statement of reasons:

The information currently before the Bureau indicates that the proper basis of comparison will be between purchase price and home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b. factory price a cash discount. Canadian rebates and drawback refunded upon exportation are added back.

Home market price was based on the f.o.b. factory price with deductions made for a cash discount. Adjustments were made for a packing and shipping differential and differences in commissions.

Using the above criteria, purchase price was lower than home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-16138 Filed 11-2-71;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

Redelegation of Authority

OCTOBER 22, 1971.

Pursuant to the authority contained in section 1.1(a) of Bureau Order 701, as amended, the following specific authorities delegated to the State Director in the cited Bureau order are hereby redelegated to the incumbent of the positions designated. The specific authorities redelegated are those listed in the designated sections of the Bureau order and are subject to the limitations listed in that order together with any additional limitations outlined below.

SECTION 1.8 *Forest Management.* The area managers in the Oregon District Offices and Spokane, Wash. District Office may take action on:

a. Disposition of forest products:

(1) The area managers in the Salem, Eugene, Roseburg, Medford and Coos Bay District Offices may take action on disposition of forest products except sales of timber in excess of 1 million board feet.

(2) The area managers in Baker, Burns, Lakeview, Prineville, Vale, Oregon, and Spokane, Wash. District Offices may take action on disposition of forest products except sales of timber in excess of 250,000 board feet.

SEC. 1.9 *Lands use (a)-(f) [Reserved].*

(g) *Materials.* The area managers in the Salem, Eugene, Roseburg, Medford, and Coos Bay District Offices and the Chiefs, Division of Resource Management in the Lakeview, Burns, Vale, Prineville, Baker, and Spokane District Offices may take action on any sale or contract for sale of materials other than forest products, or the free use of materials other than forest products, under 43 CFR Part 3610 except transactions in which the materials are valued in excess of $2,000. The area managers in the Lakeview, Burns, Vale, Prineville, Baker, and Spokane District Offices may make such material disposals in which the materials are valued at $300 or less. All of the above authorities redelegated to the area managers or chief, Division of Resource Management in district offices are to be performed in their respective areas of responsibility and in accordance with existing policies, and regulations and under the direct supervision of the district manager. The district manager may at any time temporarily restrict or withhold any portion of the above-delegated authority through use of Bureau Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective upon publication in the FEDERAL REGISTER (11-3-71). Supersedes the redelegation of September 8, 1971, and printed in the FEDERAL REGISTER of September 16, 1971.

ARTHUR W. ZIMMERMAN,
Acting State Director.

Approved:

GEORGE L. TUSCOTT,
Associate Director.

[FR Doc.71-16009 Filed 11-2-71;8:49 am]

Geological Survey

CALIFORNIA

Known Geothermal Resources Areas, Correction

In F.R. Doc. 71-14525 appearing on page 19409 of the issue of October 5, 1971, the following change should be made:

The first line under the heading "East Mesa Known Geothermal Resources Area", now reading T. 15 S., R. 16 E. should read T. 15 S., R. 16 E., SBM. All the following townships are also in this meridian.

Dated: October 22, 1971.

W. A. RADLINSKI,
Acting Director.

[FR Doc.71-15996 Filed 11-2-71;8:48 am]

National Park Service

[Order 71]

DIRECTOR AND ASSISTANT DIRECTOR, COOPERATIVE ACTIVITIES, NATIONAL CAPITAL PARKS

Delegation of Authority Regarding Representation on Zoning Commission of District of Columbia

SECTION 1. *Delegation.* The authority delegated by the Secretary of the Interior to the Director, National Park Service, to serve as a member of the Zoning Commission of the District of Columbia is hereby redelegated to the Assistant Director, Cooperative Activities, National Capital Parks and, in the event of his inability to serve, to the Director, National Capital Parks.

SEC. 2. *Redelegation.* The authority delegated in section 1 of this order may not be redelegated.

SEC. 3. *Revocation.* Delegation Order No. 49 of February 12, 1968 (33 F.R. 4591) is hereby revoked.

(41 Stat. 500, Reorganization Plan No. 3 of 1950, 245 DM1 (27 F.R. 6395) as amended)

Dated: October 28, 1971.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.71-15994 Filed 11-2-71;8:48 am]

[Order 72]

DIRECTOR AND ASSISTANT DIRECTOR, COOPERATIVE ACTIVITIES, NATIONAL CAPITAL PARKS

Delegation of Authority

SECTION 1. *Delegation.* The authority vested in the Director, National Park Service, to serve as an ex officio member of the National Capital Planning Commission is hereby redelegated to the Assistant Director, Cooperative Activities, National Capital Parks, and, in the event of his inability to serve, to the Director, National Capital Parks.

SEC. 2. *Redelegation.* The authority delegated in section 1 of this order may not be redelegated.

SEC. 3. *Revocation.* Delegation Order No. 56 of June 19, 1970 (35 F.R. 10697) is hereby revoked.

(66 Stat. 782, as amended; 40 U.S.C. 71a(b)(1))

Dated: October 28, 1971.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

[FR Doc.71-15995 Filed 11-2-71;8:48 am]

Office of the Secretary

MAXWELL S. McKNIGHT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of October 26, 1971.

Dated: October 13, 1971.

MAXWELL S. MCKNIGHT.

[FR Doc.71-15997 Filed 11-2-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

POULTRY INSPECTION

Notice of Intended Designation of Commonwealth of Puerto Rico Under the Poultry Products Inspection Act

Section 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) required the Secretary of Agriculture to designate promptly after August 18, 1970, any State[1] as one in which the requirements of sections 1-4, 6-10, and 12-22 of said Act shall apply to intrastate operations and transactions, and to persons engaged therein, with respect to poultry, poultry products, and other articles subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements at least equal to those under sections 1-4, 6-10, and 12-22, with respect to establishments within the State (except those that would be exempted from Federal inspection under subsection 5(c)(2) of the Act), at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State the additional year in which to activate such requirements. The Secretary had reason to believe, after consultation with the Governor of the Commonwealth of Puerto Rico, that the Commonwealth would develop and activate the prescribed requirements by August 18, 1971, and accordingly allowed the Commonwealth the additional period of time for this purpose. However, the Secretary has now determined that Puerto Rico has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture will designate the Commonwealth of Puerto Rico under section 5(c) of the Act as soon as necessary arrangements can be made for determining which establishments in Puerto Rico are eligible for Federal inspection, providing inspection at the eligible establishments, and otherwise enforcing the applicable provisions of the Federal Act with respect to intrastate activities in Puerto Rico when the designation is made and becomes effective. As soon as these arrangements are completed, notice of the designation will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of sections 1-4, 6-10, and 12-22 of the Act shall apply to intrastate operations and transactions and persons engaged therein in Puerto Rico to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Act, and any establishment in Puerto Rico which conducts any slaughtering of poultry or processing of poultry products as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under subsection 5(c)(2) or section 15 of the Act.

Therefore, the operator of each such establishment in Puerto Rico who desires to conduct such operations after designation of Puerto Rico becomes effective should immediately communicate with the Regional Director specified below:

Dr. N. B. Isom, Director, Southeastern Region, Meat and Poultry Inspection Program, Room 216, 1718 Peachtree Street NW., Atlanta, GA 30309. Telephone: AC 404/526-3911.

Done at Washington, D.C., on October 29, 1971.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.71-16028 Filed 11-2-71;8:50 am]

[1] As used in section 5(c) of the Act, the term "State" includes the Commonwealth of Puerto Rico and any organized Territory of the United States.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-123]

BISCAYNE BAY ADJACENT TO KEY BISCAYNE, FLA.

Security Zone

The security zone for Biscayne Bay adjacent to Key Biscayne as published in the FEDERAL REGISTER of November 30, 1968 (33 F.R. 17864) is hereby terminated. In lieu thereof, and by authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, as published in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of O. R. Smeder, Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

BISCAYNE BAY ADJACENT TO KEY BISCAYNE, MIAMI, FLA.

DESIGNATION AND ESTABLISHMENT

SECURITY ZONE

Pursuant to the request of the U.S. Secret Service, and acting under the authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Subchapter A, Chapter I, Title 33, Code of Federal Regulations, and as Commander, Seventh Coast Guard District, I hereby designate and establish a security zone as follows:

All water and land bounded by and within the perimeter commencing at the southern tip of Harbor Point on Key Biscayne, Miami, Fla., in position 25°41'17.5" N., 80°10'32" W.; thence along a line bearing 304° to position 25°41'36" N., 80°11'02.5" W.; thence along a line bearing 034° to position 25°42'07.5" N., 80°10'40" W.; thence along a line bearing 124° to the shoreline on Key Biscayne at position 25°41'50" N., 80°10'12" W.; thence southerly along the water's edge to the point of origin.

All persons and vessels are directed to remain outside the closed area. This order will be enforced by the Group Commander, Miami, and by U.S. Coast Guard personnel under his command or the command of Commander, Seventh Coast Guard District. The aid of other Federal, State, municipal and private agencies may be enlisted under the authority of the Captain of the Port in the enforcement of this order.

Penalties for violation of the above order: Section 2, title II of the act of June 15, 1917,

as amended, 50 U.S.C. 192, provides as follows: If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: October 28, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-16014 Filed 11-2-71;8:49 am]

[CGFR 71-126]

SAN DIEGO HARBOR

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6, sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b)) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters as contained in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of A. H. Siemens, Captain, U.S. Coast Guard, Captain of the Port, San Diego, Calif., who has exercised authority as Captain of the Port, such order reading as follows:

SAN DIEGO HARBOR

SECURITY ZONE

Under the present authority of section 1 of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 0730 P.s.t. on November 8, 1971, until the U.S.S. *Kitty Hawk* has cleared San Diego Harbor, the following area is a Security Zone and I order it closed to any person or vessel due to the transiting of San Diego Harbor by the U.S.S. *Kitty Hawk*. The Security Zone will be disestablished 1500 yards astern of the U.S.S. *Kitty Hawk* as she transits the channel.

The water area contained within the limits of the turning basin off the U.S. Naval Air Station, North Island, San Diego Harbor. The boundary of the basin begins at 32°42' 21" N., 117°11'20" W. to Mooring Buoy No. 23, thence along a line from Mooring Buoy No. 23 to Mooring Buoy No. 27, thence to 32°42'11" N., 117°10'49" W. thence along the face of the Naval Air Station North Island to 32°42'21" N., 117°11'20" W.; and the San Diego Main Channel from the above-described turning basin to San Diego Channel Entrance Buoy No. 5, thence a 500-yard corridor to San Diego Approach Lighted Whistle Buoy No. 1SD, using San Diego Approach Buoys 1, 3 and Entrance Channel Buoy No. 5 as the westernmost boundary.

No person or vessel shall remain in or enter this Security Zone without permission of the Captain of the Port, San Diego, 295-3121.

The Captain of the Port shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: October 29, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-16015 Filed 11-2-71;8:49 am]

[CGFR 71-118]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from January 22, 1971, to March 12, 1971 (Lists Nos. 4-71, 5-71, 6-71, and 7-71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

BUOYS, LIFE, RING, CORK, OR BALSA WOOD FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 160.009/36/0, 30-inch cork ring life buoy, dwg. No. 5-1-51, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective March 2, 1971. (It is an extension of Approval No. 160.009/36/0 dated May 26, 1966.)

BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010/61/0, 5.0' x 2.5' (7½" x 9" body section), solid balsa wood fiber glass covered buoyant apparatus, 5-person capacity, dwg. No. 32761, Rev. A, dated June 6, 1961, and Specification, Rev. II, dated June 6, 1961, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective March 2, 1971. (It is an extension of Approval No. 160.010/61/0 dated May 26, 1966.)

LADDERS, EMBARKATION—DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS

Approval No. 160.017/4/8, Model 241-A, Type II, embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 241-A dated February 21, 1950, revised March 18, 1966, approval limited to ladders 60 feet or less in length, manufactured by Great Bend Manufacturing Corp., 234 Godwin Avenue, Paterson, NJ 07501, effective February 1, 1971. (It is an extension of Approval No. 160.017/4/8 dated April 15, 1966.)

Approval No. 160.017/16/3, Model 10 PL-S, Type II, embarkation-debarkation ladder, chain suspension, steel ears, dwg. dated November 28, 1956, revised April 11, 1966, approval limited to ladders 65 feet or less in length, manufactured by H. K. Metalcraft Manufacturing Corp., 35 Industrial Road, Post Office Box 275, Lodi, NJ 07644, effective February 1, 1971. (It is an extension of Approval No. 160.017/16/3 dated April 15, 1966.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/20/0, container for emergency provisions, dwg. No. 202-P and Specification 202-S-1 dated April 6, 1951, two containers required per ration, manufactured by Globe Equipment Corp., 257 Water Street, Brooklyn, NY 11201, effective March 1, 1971. (It is an extension of Approval No. 160.026/20/0 dated May 25, 1966.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/160/1, gravity davit, Type 30-22, approved for a maximum working load of 22,240 pounds per set (11,120 pounds per arm) using 2-part falls, identified by general arrangement dwg. No. 3015-1E, dated August 15, 1958, and drawing list dated February 17, 1966, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective January 27,

1971. (It is an extension of Approval No. 160.032/160/1 dated March 2, 1966 and change in address of manufacturer.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/51/0, Rottmer type, size 0–1–C2, releasing gear, approved for maximum working load of 18,000 pounds per set (9,000 pounds per hook), identified by assembly drawing No. R–145 dated December 27, 1955, manufactured by Lane Lifeboat Division of Lane Marine Technology Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective March 1, 1971. (It is an extension of Approval No. 160.033/51/0 dated May 25, 1966 and change of name of manufacturer.)

LIFEBOATS

Approval No. 160.035/38/4, 24.0' x 7.75' x 3.33' steel, motorpropelled lifeboat, without radio cabin or searchlight, class 1, 35-person capacity, identified by general arrangement and construction dwg. No. 24–001–03 dated November 2, 1970. This boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, formerly built by Welin Davit & Boat Division of Continental Copper and Steel Industries Inc., 46 CFR 160.035–13(c) Marking. Weights: Condition "A"=4,305 pounds; Condition "B"=10,995 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective February 19, 1971. (It reinstates and supersedes Approval No. 160.035/38/3, terminated June 21, 1965 to show change in name and construction.)

Approval No. 160.035/281/3, 26.0' x 9.0' x 3.83' steel, oar-propelled lifeboat, 53-person capacity, identified by general arrangement dwg. No. 26–9S, Rev. A dated January 4, 1971, 46 CFR 160.035–13(c) Marking. Weights. Condition "A"=4,170 pounds; Condition "B"=14,013 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective January 21, 1971. (It supersedes Approval No. 160.035/281/2 dated January 21, 1966 to show change in address and construction.)

Approval No. 160.035/416/1, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic (FRP), hand-propelled lifeboat, 78-person capacity, identified by construction and arrangement dwg. No. B–80289, Rev. K dated February 5, 1971, formerly built by Welin Davit & Boat Division of Continental Copper and Steel Industries, Inc., 46 CFR 160.035–13(c) Marking. Weights: Condition "A"=5,637 pounds; Condition "B"=18,507 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective March 5, 1971. (It reinstates and supersedes Approval No. 160.035/416/0 terminated August 31, 1966, to show change in name and construction.)

Approval No. 160.035/417/3, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic (FRP), motor-propelled lifeboat without radio cabin or searchlight (class 1), 74-person capacity, identified by construction and arrangement dwg. No. 80305, Rev. J dated February 5, 1971, formerly built by Welin Davit & Boat Division of Continental Copper and Steel Industries, Inc., 46 CFR 160.035–13(c) Marking. Weights: Condition "A"=4,955.0 pounds; Condition "B"=18,432.0 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective March 5, 1971. (It reinstates and supersedes Approval No. 160.035/417/2 terminated February 16, 1967, to show change in name and construction.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.047/330/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Street, Emporia, Kans. 66801, effective February 10, 1971. (It is an extension of Approval No. 160.047/330/0 dated April 28, 1966 and change in address of manufacturer.)

Approval No. 160.047/331/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, effective February 10, 1971. (It is an extension of Approval No. 160.047/331/0 dated April 28, 1966 and change in address of manufacturer.)

Approval No. 160.047/332/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, effective February 10, 1971. (It is an extension of Approval No. 160.047/332/0 dated April 28, 1966 and change in address of manufacturer.)

Approval No. 160.047/333/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, IL 60610, effective February 10, 1971. (It is an extension of Approval No. 160.047/333/0 dated April 28, 1966, and change in address of manufacturer.)

Approval No. 160.047/334/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., 3d and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, IL 60610, effective February 10, 1971. (It is an extension of Approval No. 160.047/334/0 dated April 28, 1966 and change in address of manufacturer.)

Approval No. 160.047/335/0, Type I, Model CKS–1, child kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, IL 60610, effective February 10, 1971. (It is an extension of Approval No. 160.047/335/0 dated April 28, 1966 and change in address of manufacturer.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/57/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per table 160.048–4(c)(1)(i), manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, effective February 10, 1971. (It is an extension of Approval No. 160.048/57/0 dated April 28, 1966 and change in address of manufacturer.)

Approval No. 160.048/103/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per table 160.048–4(c)(1)(i), manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, IL 60610, effective February 10, 1971. (It is an extension of Approval No. 160.048/103/0 dated April 28, 1966 and change in address of manufacturer.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/7/2, 20-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4 and drawing dated February 1, 1958, approved as alternate construction to that provided by USCG Specification Subpart 160.050, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective February 1, 1971. (It is an extension of Approval No. 160.050/7/2 dated April 8, 1966.)

Approval No. 160.050/10/1, 24-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, specification dated February 22, 1960, Rev. 4 and drawing dated February 1, 1958, approved as alternate construction to that provided by USCG Specification Subpart 160.050, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective February 1, 1971. (It is an extension of Approval No. 160.050/10/1 dated April 8, 1966.)

Approval No. 160.050/11/1, 30-inch ring life buoy, fibrous glass reinforced neoprene latex shell with unicellular plastic foam core, specification dated February

22, 1960, Rev. 4 and drawing dated February 1, 1958, approved as alternate construction to that provided by USCG Specification Subpart 160.050, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Fla. 33560, effective February 1, 1971. (It is an extension of Approval No. 160.050/11/1 dated April 8, 1966.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of classes A, 1, or 2 not carrying pasengers for hire.

Approval No. 160.052/131/1, Type II, Model "A," adult unicellular plastic foam buoyant vest, dwg. Nos. 11 and 12 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, effective February 12, 1971. (It supersedes Approval No. 160.052/131/1 dated January 13, 1971 to show change in address of manufacturer.)

Approval No. 160.052/132/1, Type II, Model "M," child medium unicellular plastic foam buoyant vest, dwg. Nos. 11 and 13 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, effective February 12, 1971. (It supersedes Approval No. 160.052/132/1 dated January 13, 1971 to show change in address of manufacturer.)

Approval No. 160.052/133/1, Type II, Model "S" child small unicellular plastic foam buoyant vest, dwg. Nos. 11 and 14 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, effective February 12, 1971. (It supersedes Approval No. 160.052/133/1 dated January 13, 1971 to show change in address of manufacturer.)

Approval No. 160.052/150/0, Type II, Model "A," adult unicellular plastic foam buoyant vest, dwg. Nos. 11 and 12 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, IL 60610, effective March 12, 1971. (It is an extension of Approval No. 160.052/150/0 dated March 16, 1966.)

Approval No. 160.052/151/0, Type II, Model "M," child medium unicellular plastic foam buoyant vest, dwg. Nos. 11 and 13 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, IL 60610, effective March 12, 1971. (It is an extension of Approval No. 160.052/151/0 dated March 16, 1966.)

Approval No. 160.052/152/0, Type II, Model "S," child small unicellular plastic foam buoyant vest, dwg. Nos. 11 and 14 dated March 3, 1961, Rev. 1 dated June 1, 1963, and bill of materials dated September 29, 1965, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago, IL 60610, effective March 12, 1971. (It is an extension of Approval No. 160.052/152/0 dated March 16, 1966.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/50/0, Type IA, Model 62, adult vinyl dip coated unicellular plastic foam life preserver, USCG Specification Subpart 160.055 and dwg. No. 160.055-1A (sheets 1 and 2), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective March 2, 1971. (It is an extension of Approval No. 160.055/50/0 dated May 4, 1966.)

Approval No. 160.055/51/0, Type IA, Model 66, child vinyl dip coated unicellular plastic foam life preserver, USCG Specification Subpart 160.055 and dwg. No. 160.055-1A (sheets 1 and 2), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective March 2, 1971. (It is an extension of Approval No. 160.055/51/0 dated May 4, 1966.)

PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/2/0, "MASECO", Type I, protecting cover for the occupants of all types of aluminum, steel, and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16' through 37' lifeboats, identified by master drawing, dwg. No. PC 85-24 Rev. B dated April 11, 1966, modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, NJ 07727, effective March 1, 1971. (It is an extension of Approval No. 160.065/2/0 dated May 6, 1966 and change of address of manufacturer.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/63/0, sound powered telephone station, selective ringing, common talking, 19-station maximum, internal heater, bulkhead mounting, waterproof, attached external bell, dwg. No. 92-01, Alt. 0, Model SWTP-H, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective February 2, 1971. (It is an extension of Approval No. 161.005/63/0 dated April 26, 1966 and change of address of manufacturer.)

Approval No. 161.005/65/0, sound powered telephone station, selective ringing, common talking, 19-station maximum, internal heater, bulkhead mounting, waterproof, attached external bell, dwg. No. 90-01, Alt. 0, Model SWT4-H, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective February 2, 1971. (It is an extension of Approval No. 161.005/65/0 dated April 26, 1966 and change of address of manufacturer.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/221/0, Series VM-110, cast carbon steel body spring loaded nozzle type safety valve, maximum pressure 120 p.s.i., maximum temperature 650° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., Red Lion Road West of Verree Road, Post Office Box 6167, Philadelphia, PA 19115, effective February 19, 1971. (It is an extension of Approval No. 162.001/221/0 dated April 18, 1966.)

Approval No. 162.001/222/0, Series VM-120, cast carbon steel body spring loaded nozzle type safety valve, maximum pressure 92 p.s.i., maximum temperature 800° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., Red Lion Road West of Verree Road, Post Office Box 6167, Philadelphia, PA 19115, effective February 19, 1971. (It is an extension of Approval No. 162.001/222/0 dated April 18, 1966.)

Approval No. 162.001/223/0, Series VM-130, cast carbon moly steel body spring loaded nozzle type safety valve, maximum pressure 70 p.s.i., maximum temperature 900° F., approved for sizes 1½", 2", 2½", 3", and 4", manufactured by J. E. Lonergan Co., Red Lion Road West of Verree Road, Post Office Box 6167, Philadelphia, PA 19115, effective February 19, 1971. (It is an extension of Approval No. 162.001/223/0 dated April 18, 1966.)

Approval No. 162.001/263/0, Crosby style HN-MS-55 nozzle type safety valve, dwg. D49675 dated February 15, 1966, approved for a maximum pressure of 1200 p.s.i.g. at 650° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. 02093, effective March 9, 1971. (It is an extension of Approval No. 162.001/263/0 dated May 23, 1966.)

Approval No. 162.001/264/0, Crosby style HN-MS-56 nozzle type safety valve, dwg. D49675 dated February 15, 1966, approved for a maximum pressure of 1200 p.s.i.g. at 750° F., inlet sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. 02093, effective March 9, 1971. (It is an extension of Approval No. 162.001/264/0 dated May 23, 1966.)

Approval No. 162.001/265/0, Crosby style HN-MS-65 nozzle type safety valve, dwg. D49675 dated February 15, 1966, approved for a maximum pressure of 1500 p.s.i.g. at 650° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Mass. 02093, effective March 9, 1971. (It is an extension of Approval No. 162.001/265/0 dated May 23, 1966.)

Approval No. 162.001/266/0, Crosby style HN–MS–66 nozzle type safety valve, dwg. D49675 dated February 15, 1966, approved for a maximum pressure of 1500 p.s.i.g. at 750° F., inlet sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective March 9, 1971. (It is an extension of Approval No. 162.001/266/0 dated May 23, 1966.)

Approval No. 162.001/268/0, Crosby style HN–MS–66–9 nozzle type safety relief valve, dwg. D49675 dated February 15, 1966, approved for a maximum pressure of 1200 p.s.i.g. at 750° F., inlet size 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective March 9, 1971. (It is an extension of Approval No. 162.001/268/0 dated May 23, 1966.)

Approval No. 162.001/269/0, Crosby style HN–MS–55–9 nozzle type safety relief valve, dwg. D49675 dated February 15, 1966, approved for a maximum pressure of 1200 p.s.i.g. at 650° F., inlet sizes 3" and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective March 9, 1971. (It is an extension of Approval No. 162.001/269/0 dated May 23, 1966.)

Approval No. 162.001/270/0, Crosby style HN–MS–56–9 nozzle type safety relief valve, dwg. D49675 dated February 15, 1966, approved for a maximum pressure of 1200 p.s.i.g. at 750° F., inlet sizes 3" and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective March 9, 1971. (It is an extension of Approval No. 162.001/270/0 dated May 23, 1966.)

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/21/0, Type 1511 series cast iron safety valve for steam heating boilers and unfired steam generators, dwg. No. 3VP953, dated February 10, 1956, approved for a maximum pressure of 30 p.s.i.g. in the following sizes and relieving capacities:

Size (inches)	Type No.	Capacity (pounds per hour at 30 p.s.i.g.)
1½	1511 H	1615
1½	1511 J	2650
2	1511 K	3790
2½	1511 L	5875
3	1511 M	7410
4	1511 N	8935
4	1511 P	13135

manufactured by DRESSER, Industrial Valve & Instrument Division, Post Office Box 1430, Alexandria, LA 71301, effective March 9, 1971. (It is an extension of Approval No. 162.012/21/0 dated May 15, 1966 and change of name and address of manufacturer.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/31/1, Series W–100 and W–300 safety relief valves for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, subject to pressure-temperature limitations on J. E. Lonergan Co. drawing No. A–1681 dated January 23, 1962, manufactured by J. E. Lonergan Co., Red Lion Road west of Verree Road, Post Office Box 6167, Philadelphia, PA 19115, effective February 17, 1971. (It supersedes Approval No. 162.018/31/0 dated September 12, 1968, to show W–100 Model Numbers and new W–300 Model Number listing.)

Approval No. 162.018/72/0, 400 Series safety relief valves for compressed gas service, identified in Sage Valve Catalog dated April 1970, manufactured by Sage Engineering and Valve Co., 1463 Brittmoore Road, Houston, TX 77024, effective February 11, 1971.

Approval No. 162.018/73/0, 600 Series safety relief valves for compressed gas service, identified in Sage Valve Catalog dated April 1970, manufactured by Sage Engineering and Valve Co., 1463 Brittmoore Road, Houston, TX 77024, effective February 11, 1971.

NOZZLES, FIREHOSE, COMBINATION SOLID STREAM AND WATER SPRAY (1½ INCH AND 2½ INCH) FOR MERCHANT VESSELS

Approval No. 162.027/2/1, Rockwood 1½-inch SG70 combination solid stream and water spray firehose nozzle, 1½-inch Type TCG high velocity head, and either 10'–90° Type CGC, 10'–90° CGG, 4'–60° Type CGC, or 4'–60° Type CGG applicator with Type T–11 low-velocity head; dwgs. Nos. S–4787 dated February 9, 1955; S–4352, Rev. B dated June 21, 1956; S–6742 dated October 23, 1959; S–6748 dated October 23, 1959; S–6740 dated October 23, 1959; S–6744 dated October 23, 1959; and S–6738 dated October 19, 1959, applicators were formerly Type CG; low-velocity head was formerly Type T–11A; due to orifice sizes, no special self-cleaning strainer is required, manufactured by ROCKWOOD, 80 Second Street, South Portland, ME 04106, formerly Bliss-Gamewell, effective February 19, 1971. (It supersedes Approval No. 162.027/2/1 dated May 18, 1967, to show change in name and address of manufacturer.)

Approval No. 162.027/3/1, Rockwood 2½-inch SG70 combination solid stream and water spray firehose nozzle, 2½-inch Type TCG high-velocity head, and 12'–90° Type CGC or Type CGG applicator with Type T–10 low-velocity head; dwgs. Nos. S–4992 dated September 8, 1955; S–4993 dated September 8, 1955; S–6741 dated October 23, 1959; S–6743 dated October 20, 1959; and S–6733 dated October 16, 1959, applicators were formerly Type CG; low-velocity head was formerly Type T–10A, manufactured by ROCKWOOD, 80 Second Street, South Portland, ME 04106, formerly Bliss-Gamewell effective February 19, 1971. (It supersedes Approval No. 162.027/3/1 dated May 18, 1967, to show change in name and address of manufacturer.)

Approval No. 162.027/8/0, Rockwood 1½-inch SG71 combination solid stream and water spray fire hose nozzle, 1½-inch Type TCG high velocity head, and either 10'–90° Type CGC, 10'–90° CGG, 4'–60° Type CGC, or 4'–60° Type CGG applicator with Type T–11 low-velocity head; dwgs. Nos. 10–07832, Rev. B dated June 27, 1966; S–4352, Rev. B dated June 21, 1956; S–6742 dated October 23, 1959; S–6748 dated October 23, 1959; S–6740 dated October 23, 1959; S–6744 dated October 23, 1959; and S–6738 dated October 19, 1959, applicators were formerly Type CG; low-velocity head was formerly Type T–11A; due to orifice sizes, no special self-cleaning strainer is required, manufactured by ROCKWOOD, 80 Second Street, South Portland, ME 04106, formerly Bliss-Gamewell, effective February 19, 1971. (It supersedes Approval No. 162.027/8/0 dated May 18, 1967, to show change in name and address of manufacturer.)

FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

Approval No. 162.033/5/0, Rockwood Marine Air Foam Systems using Rockwood Regular Foam Liquid (6 percent Low Expansion), design data booklet No. S–7008, Rev. 6 dated November 15, 1965, manufactured by ROCKWOOD, 80 Second Street, South Portland, ME 04106, formerly Bliss-Gamewell, effective February 19, 1971. (It supersedes Approval No. 162.033/5/0 dated May 15, 1967, to show change in name and address of manufacturer.)

Approval No. 162.033/6/0, Rockwood Marine Air Foam Systems using Rockwood Double Strength Foam Liquid (3 percent Low Expansion), design data booklet No. S–7009, Rev. 5 dated November 15, 1965, manufactured by ROCKWOOD, 80 Second Street, South Portland, ME 04106, formerly Bliss-Gamewell, effective February 19, 1971. (It supersedes Approval No. 162.033/6/0 dated May 15, 1967 to show change in name and address of manufacturer.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/64/0, Bendix Model C175–11 backfire flame arrester, drawing C175–11 dated January 6, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective February 2, 1971. (It is an extension of Approval No. 162.041/64/0 dated February 2, 1966.)

Approval No. 162.041/65/0, Bendix Model C175–11A backfire flame arrester, drawing C175–11A dated January 6, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective February 2, 1971. (It is an extension of Approval No. 162.041/65/0 dated February 2, 1966.)

Approval No. 162.041/66/0, Bendix Model C175–35 backfire flame arrester, drawing C175–35 dated January 10, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective February 2, 1971. (It is an extension of Approval No. 162.041/66/0 dated February 2, 1966.)

Approval No. 162.041/67/0, Bendix Model B175–38 backfire flame arrester, Bendix drawing B175–38 dated December 8, 1965, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48213, effective February 2, 1971. (It is an extension of Approval No. 162.041/67/0 dated February 2, 1966.)

Approval No. 162.041/78/0, Air-Maze No. 2 Unimaze backfire flame arrester, Air-Maze dwgs. A17853–C, A17853–G, and A17853–F, manufactured by Air-Maze Division, Rockwell-Standard Corp., 25000 Miles Road, Cleveland, OH 44128, effective February 22, 1971. (It is an extension of Approval No. 162.041/78/0 dated March 10, 1966.)

Approval No. 162.041/80/0, Bendix Model B175–13 backfire flame arrester, Bendix dwg. B175–13 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/80/0 dated April 14, 1966.)

Approval No. 162.041/81/0, Bendix Model B175–13A backfire flame arrester, Bendix dwg. B175–13A issued March 9, 1966, similar to Model B175–13, University of Detroit Test Report, Project No. 1010 applies because of similarity, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/81/0 dated April 14, 1966.)

Approval No. 162.041/82/0, Bendix Model B175–13B backfire flame arrester, Bendix dwg. B175–13B issued March 9, 1966, similar to Model B175–13, University of Detroit Test Report, Project No. 1010 applies because of similarity, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/82/0 dated April 14, 1966.)

Approval No. 162.041/83/0, Bendix Model B175–14 backfire flame arrester, Bendix dwg. B175–14 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/83/0 dated April 14, 1966.)

Approval No. 162.041/84/0, Bendix Model B175–17 backfire flame arrester, Bendix dwg. B175–17 issued March 9, 1966, similar to Model B175–14, University of Detroit Test Report, Project No. 1010 applies because of similarity, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/84/0 dated April 14, 1966.)

Approval No. 162.041/85/0, Bendix Model B175–18 backfire flame arrester, Bendix dwg. B175–18 issued March 9, 1966, similar to Model B175–14, University of Detroit Test Report, Project No. 1010 applies because of similarity, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/85/0 dated April 14, 1966.)

Approval No. 162.041/86/0, Bendix Model B175–20 backfire flame arrester, Bendix dwg. B175–20 issued March 9, 1966, similar to Model B175–14, University of Detroit Test Report, Project No. 1010 applies because of similarity, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/86/0 dated April 14, 1966.)

Approval No. 162.041/87/0, Bendix Model B175–21 backfire flame arrester, Bendix dwg. B175–21 issued March 9, 1966, similar to Model B175–14, University of Detroit test report, Project No. 1010 applies because of similarity, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/87/0 dated April 14, 1966.)

Approval No. 162.041/88/0, Bendix Model B175–19 backfire flame arrester, Bendix dwg. B175–19 issued March 9, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/88/0 dated April 14, 1966.)

Approval No. 162.041/89/0, Bendix Model B175–19A backfire flame arrester, Bendix dwg. B175–19A issued March 9, 1966, similar to Model B175–19, University of Detroit test report, Project No. 1010 applies because of similarity, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/89/0 dated April 14, 1966.)

Approval No. 162.041/91/0, Zenith Model B175–16 backfire flame arrester, Zenith drawing B175–12A issued April 22, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/91/0 dated May 17, 1966.)

Approval No. 162.041/92/0, Zenith Model B175–16 backfire flame arrester, Zenith drawing B175–16 issued April 22, 1966, manufactured by Bendix Corp., Zenith Carburetor Division, 696 Hart Avenue, Detroit, MI 48214, effective March 10, 1971. (It is an extension of Approval No. 162.041/92/0 dated May 17, 1966.)

Approval No. 162.041/133/0, Barbron Model No. 57215B flame arrester with brass diffusing element; alternate material 0.032 anodized aluminum, Model No. 57215A with brass diffusing element, testing waived because of similarities to other previously approved Barbron flame arresters, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective February 17, 1971.

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/46/0, "Fyrcor 33" bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG10230–25:FR3639 dated August 13, 1964; approved as meeting class B–15 requirements in a three-fourths-inch thickness, 33 pounds per cubic foot density, manufactured by Chembest Division of Owens-Corning Fiberglas Corp., 1111 West Perry Street, Bloomington, IL 61701, effective March 1, 1971. (It supersedes Approval No. 164.008/46/0 dated October 19, 1970 to show change of name of product.)

Approval No. 164.008/56/0, Marinite Ltd. bulkhead panel "Marinite-36" identical to that described in the National Bureau of Standards Report No. FR3743 dated January 25, 1971 and Marinite's letter dated August 29, 1969; approved as meeting class B–15 requirements in a density of 36 pounds per cubic foot in a three-fourths-inch thickness, manufactured by Marinite Ltd., Cape Universal House Exchange Road, Watford Herts, England, plant: Marinite Ltd., Germiston Works, Pertershell Road, Springburn, Glasgow No. 1, Scotland, effective February 5, 1971.

Approval No. 164.008/57/0, Nippon Asbestos Co., bulkhead panel "Marine Board 60 P" identical to that described in Underwriter's Laboratories Inc. Report No. 70NK550 dated October 28, 1970 and Nippon's letter dated November 28, 1969; approved as meeting class B–15 requirements in a density of 40.5 pounds per cubic foot in a three-fourths-inch thickness. Approval drawing dated April 15, 1970 "MB–USCG–003" forms a part of this certificate, manufactured by Nippon Asbestos Co., Ltd., 3, 6-Chome, Ginza-Nishi, Chuo-Ku, Tokyo, Japan, plant: Hajima-City, Gifu-Prefecture, Japan, effective January 22, 1971.

Approval No. 164.008/62/0, Marinite Ltd. bulkhead panel "Marinite-45" identical to that described in the National Bureau of Standards Report No. FR3743 dated January 25, 1971 and Marinite's letter dated August 29, 1969; approved as meeting class B–15 requirements in a density of 45 pounds per cubic foot in a seven-eighths-inch thickness, manufactured by Marinite Ltd., Cape Universal House Exchange Road, Watford Herts, England, plant: Marinite Ltd., Germiston Works, Pertershell Road, Springburn, Glasgow No. 1, Scotland, effective February 5, 1971.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/36/0, J–M 302 Cement, incombustible material composed solely of asbestos fibers, diatomaceous silicas and clay, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective March 2, 1971. (It is an extension of Approval No. 164.009/36/0 dated May 15, 1966.)

Approval No. 164.009/90/0, Insul-Coustic SeeGee Adhesive I–C 292 composition type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2131:FR3666 dated February 24, 1966, and Insul-Coustic letter dated January 14, 1966, manufactured by Insul-Coustic Division, Birma Production Corp., Jernee Mill Road, Sayreville, NJ 08872, effective February 25, 1971. (It is an extension of Approval No. 164.009/90/0 dated March 10, 1966.)

Approval No. 164.009/91/0, Insul-Coustic SeeGee Coating I–C 596 composition type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2131:FR3666 dated February 24, 1966, and Insul-Coustic letter dated January 14, 1966, manufactured by Insul-Coustic

Division, Birma Production Corp., Jernee Mill Road, Sayreville, NJ 08872, effective February 25, 1971. (It is an extension of Approval No. 164.009/91/0 dated March 10, 1966.)

Approval No. 164.009/92/0, "Incombustible Hullboard SG" fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2133: FR9369 dated May 1, 1966, approved in a nominal density of 3 pounds per cubic foot, manufactured by Johns-Manville Sales Corporation, 22 East 40th Street, New York, NY 10016, plant: Johns-Manville Products Corp., 814 Richmond Avenue, Richmond, IN, effective March 2, 1971. (It is an extension of Approval No. 164.009/92/0 dated May 11, 1966.)

Dated: October 19, 1971.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.71-16012 Filed 11-2-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-255]

CONSUMERS POWER CO. (PALISADES PLANT)

Notice of Public Hearing

Take notice, pursuant to the Atomic Energy Act, as amended, and the rules of practice of the Atomic Energy Commission, an evidentiary hearing in this proceeding shall convene at 3 p.m. on Tuesday, December 7, 1971, in the Van Deusen Auditorium of the City Library System, 312 South Rose Street, Kalamazoo, MI.

This notice confirms the public announcement made at the evidentiary hearing held on October 26, 1971, that a further hearing would be convened during the week of December 6, 1971, to consider data to be presented in reference to applicant's request to operate this nuclear facility up to a limit of 60 percent of power.

Issued: October 28, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-15976 Filed 11-2-71;8:46 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP. (VERMONT YANKEE NUCLEAR POWER STATION)

Notice of Public Hearing

Take notice, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an evidentiary hearing in this proceeding shall convene at 2 p.m. on Monday, November 29, 1971, at the first floor level of the Vermont National Guard Armory, 207 Main Street, Brattleboro, VT.

This notice confirms the public announcement made at the session of evidentiary hearing held on October 22, 1971.

Issued: October 28, 1971, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-15977 Filed 11-2-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23862; Order 71-10-133]

CONTINENTAL AIR LINES, INC.

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of October 1971.

By Order 71-9-115, dated September 29, 1971, the Board set for investigation a proposal of Continental Air Lines, Inc. (Continental), to offer one-way nonaffinity fares for group sizes of 40, 88, 105, and 154 persons between several points within the continental United States and between a number of mainland points and Hawaii. The fares were permitted to become effective pending investigation.

Continental has petitioned the Board for reconsideration of Order 71-9-115, requesting that its fares be permitted to continue in effect through their 1-year expiry date without investigation. In support of its petition Continental asserts that the fares are identical to, or slightly higher than, certain group inclusive tour (GIT) fares permitted to become effective for the same size groups without investigation,[1] and that the differences in travel under the two types of fares are not so significant as to compel investigation in one case and not the other. It further asserts that an investigation will be of no practical value since there will be little if any evidence of traffic experience available for quite some time, and that essentially all that could be presented are the varying judgments available today rather than evidence.

The Board finds that Continental's petition sets forth no new facts which warrant a reversal of our decision to investigate the fares in question. We are not persuaded that the fact that Continental's group fares are set at virtually the same level as present GIT fares in the same markets provides a ground for dismissal of the investigation, in light of the fact that the group fares are substantially devoid of travel restrictions as compared with the GIT fares. On the contrary, we believe availability of these relatively low and unrestricted fares in highly dense and competitive markets may result in significant diversion of travel which would otherwise be undertaken at higher fares. In any event, we conclude that the fares raise sufficient questions of reasonableness, particularly insofar as they would be available during the peak summer season, to warrant continuation of the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The request by Continental Air Lines, Inc., for reconsideration of Order 71-9-115 is denied; and

2. A copy of this order be served upon Continental Air Lines, Inc., Northwest Airlines, Inc., Overseas National Airways, Inc., Pan American World Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., Universal Airlines, Inc., Western Air Lines, Inc., and World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-16031 Filed 11-2-71;8:50 am]

[Docket No. 22628; Order 71-10-125]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority October 27, 1971.

By Order 71-10-36, dated October 8, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by Joint Conference 3-1 of the International Air Transport Association (IATA). The agreement amends the existing resolution pertaining to construction rules for passenger fares so as to add routings on North and Central Pacific sectors which will enable operations by TWA in conformance with its route authority.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-10-36 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22664 be, and it hereby is, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-16030 Filed 11-2-71;8:50 am]

[Docket No. 23925]

TRANS INTERNATIONAL AIRLINES, INC., AND SABER AIR (PTE) LTD.

Notice of Proposed Approval of Joint Application

Joint application of Trans International Airlines, Inc. and Saber Air (PTE)

[1] Order 71-9-87, Sept. 24, 1971.

Ltd. for disclaimer of jurisdiction or approval under section 408 of the Federal Aviation Act of 1958, as amended, Docket 23925.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 7 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., October 29, 1971.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority.

By joint application filed October 19, 1971, Trans International Airlines, Inc. (TIA) and Saber Air (PTE) Ltd. (Saber) request that the Board disclaim jurisdiction over, or in the alternative, approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) an agreement whereby TIA will dry-lease to Saber a McDonnell-Douglas DC-8-61CF.

TIA is a United States certificated supplemental carrier authorized to engage in supplemental air transportation (including inclusive tour charter authority) with respect to persons and property in interstate and foreign transportation.[1]

Saber, a Singapore-based corporation, performs transportation services by air in Asia. Saber does not have a foreign air carrier permit and does not presently intend to apply for such a permit under section 402 of the Act. Saber is planning to operate the subject aircraft in ad hoc charters between Europe and Singapore.

The agreement involves the lease of one McDonnell-Douglas DC-8-61CF and related spare parts for a period of 10 years and 4 months commencing on November 12, 1971. Rental will be at the rate of $89,500 per month with a purchase option at times specified in the text of the lease. Saber will have complete and exclusive control of the aircraft, providing its own crew, fuel, insurance, etc., under the terms of the lease.

It appears that the aircraft involved in the instant lease represents approximately 11.8 percent of the total value of TIA's aircraft, spare engines, and parts inventory. TIA presently has no other aircraft under lease to Saber. In support of the alternative request for approval, it is submitted that approval of the instant lease agreement will not result in the control of an air carrier engaged in air transportation, nor will it result in creating a monopoly or tend to restrain competition. Moreover, the applicants contend that the rent payments will be of benefit to TIA, as well as to the United States in its balance of payments position.

No objections to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the lease involves a substantial part of the properties of TIA, and therefore, is subject to section 408 of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It appears that TIA is able to consummate its obligations under the lease without depriving itself of aircraft necessary to meet its own commitments. In addition, the transaction is similar to others approved by the Board.[2] Under all the circumstances, it is not found that the lease transaction will be inconsistent with the public interest or that the the conditions of section 408 will be unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.3 and 385.13, it is found that the foregoing transaction should be approved under section 408(b) of the Act without a hearing and that the application to the extent it requests disclaimer of jurisdiction in regard to the above-mentioned lease agreement should be dismissed.

Accordingly, it is ordered, That:

1. The subject lease by Saber Air (PTE), Ltd. of a McDonnell-Douglas DC-8-61CF aircraft and related parts and spare engines from Trans International Airlines, Inc., as described in the application in Docket 23925 be and it hereby is approved; and

2. To the extent not granted, the request for disclaimer of jurisdiction in regard to the lease agreement be and hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-16071 Filed 11-2-71;8:51 am]

[1] See Order E-26490, March 8, 1968.

[2] *Cf.* World Airways, Inc. and Pakistan International Airlines Corp., Order 70-8-44, August 12, 1970.

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN CYANAMID CO.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 420.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (21 CFR 420.8), American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, NJ 08540, has withdrawn its petition (PP 0F0949), notice of which was published in the FEDERAL REGISTER of April 17, 1970 (35 F.R. 6288), proposing establishment of a tolerance of 0.05 part per million for negligible residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthio)methyl phosphorodithioate) in or on the raw agricultural commodity safflower seed.

Dated: October 22, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant, Administrator for Pesticides Programs.

[FR Doc.71-15933 Filed 11-2-71;8:47 am]

CIBA AGROCHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1196) has been filed by Ciba Agrochemical Co., Post Office Box 1090, Vero Beach, FL 32960, proposing establishment of tolerances (21 CFR Part 420) for negligible residues of the herbicide 3-(4-bromo-3-chlorophenyl) - 1 - methoxy-1-methylurea and its metabolites containing the 4-bromo-3-chloroaniline moiety in or on the raw agricultural commodities carrots and wheat grain and straw at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a colorimetric procedure in which the residue is hydrolyzed to 4-bromo-3-chloroaniline. After steam distillation ,the aniline is diazotized and coupled with *N*-1-naphthyl-ethylenediamine to produce a colored compound that is measured spectrophotometrically at 550 nanometers.

Dated: October 22, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant, Administrator for Pesticides Programs.

[FR Doc.71-15984 Filed 11-2-71;8:47 am]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1194) has been filed by The Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, proposing establishment of tolerances (21 CFR Part 420) for negligible residues of the herbicide 2-(α-naphthoxy)-*N,N* - diethylpropionamide in or on the raw agricultural commodities almonds, citrus fruits, fruiting vegetables, small fruits, and stone fruits at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a conductivity detector for nitrogen compounds.

Dated: October 22, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant, Administrator for Pesticides Programs.

[FR Doc.71-15985 Filed 11-2-71;8:47 am]

UNIROYAL CHEMICAL

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U.S.C. 346a(d) (1)), notice is given that a petition (PP 2F1191) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, Conn. 06525, proposing establishment of tolerances (21 CFR Part 420) for combined negligible residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4-oxathiin-4-oxide (calculated as carboxin) in or on the raw agricultural commodities peanuts and wheat grain at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a technique in which caustic digestion cleaves aniline from the fungicide. The aniline is removed by steam distillation, and an aliquot is injected into a microcoulometric gas chromatograph equipped with a nitrogen detector.

Dated: October 22, 1971.

LOWELL E. MILLER,
Acting Deputy Assistant,
Administrator for Pesticides Programs.

[FR Doc.71-15986 Filed 11-2-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19168-19170; FCC 71R-317]

COWLES FLORIDA BROADCASTING, INC. AND CENTRAL FLORIDA ENTERPRISES, INC.

Memorandum Opinion and Order Amending Issues

In regard applications of Cowles Florida Broadcasting, Inc. (WESH-TV), Daytona Beach, Fla., for renewal of license, Docket No. 19168, File No. BRCT-354; Cowles Florida Broadcasting, Inc. (WESH-TV), Daytona Beach, Fla., for modification of authorized facilities, Docket No. 19169, File No. BPCT-4158; Central Florida Enterprises, Inc., Daytona Beach, Fla., for a construction permit, Docket No. 19170, File No. BPCT-4346.

1. By an Order, FCC 71-237, 36 F.R. 4901, published March 13, 1971 (adopted March 3, 1971), the Commission designated for consolidated hearing the mutually exclusive applications (a) of Cowles Florida Broadcasting, Inc. (Cowles or WESH-TV) seeking renewal and modification of the facilities of WESH-TV, Channel 2, Daytona Beach, Fla., and of (b) Central Florida Enterprises, Inc. (Central) for a new commercial television broadcast station to operate on this channel at Daytona Beach.[1]

2. As shown by the designation order, there are basic threshold qualification issues directed against Cowles, as well as Central. Among the basic threshold qualification issues directed against Cowles are Issues 2 e and f which read, as follows:

2e. The facts and circumstances surrounding the purported criminal mail fraud by the applicant's parent corporation, Cowles Communications, Inc.

f. In light of the evidence adduced under issues * * * and "e", whether the applicant has the requisite qualifications to be a licensee of the Commission, or whether it should be given a comparative demerit or demerits.[2]

Paragraph 25 of the designation order sets forth brief preamble recitations leading to the Commission's (a) specification of the above-described issues 2 e and f, and (b) the specification at paragraph 29 of the designation order of a condition to be attached to a grant of the Cowles applications should it prevail in this proceeding. The condition reads, as follows:

That the grant of this application is without prejudice to whatever action the Commission may deem appropriate as a result of the pending proceedings involving Cowles Communications, Inc., instituted by the Federal Trade Commission and the State of Wisconsin.

Paragraph 25 of the designation order, in pertinent part, reads as follows:

Cowles' 100 percent parent, Cowles Communications, Inc., is involved in two proceedings raising questions about certain of its activities. One involves a complaint by the State of Wisconsin in which the parent is alleged to have engaged in unfair trade practices and unfair competition in violation of § 100.20(1) of the States statutes. A second proceeding involves a complaint initiated May 29, 1970, by the Federal Trade Commission in which several publishers including Cowles' parent corporation, are alleged to have used deceptive means to get long-term subscription contracts. * * * Accordingly, the grant of either of Cowles' applications will be subject to the condition that it is without prejudice to whatever action we may deem appropriate as a result of those proceedings. In addition, Cowles Communications, Inc., and five of its subsidiaries, paid $50,000 in fines and pleaded no contest to 50 criminal counts of mail fraud. We believe it is appropriate to permit evidence as to this matter to be introduced under the qualifications issue.

3. Presently before the Review Board are three petitions:[3] Two were filed concurrently on March 29, 1971, by Central, and one was filed on April 29, 1971, by the Broadcast Bureau. Central's major petition seeks enlargement and modification of the issues, as follows:

(a) To determine, in light of allegations made to the Commission in Courts located in Wisconsin, Michigan, Pennsylvania, California, and Iowa, and in light of allegations concerning misuse of telephone services in Wisconsin, Pennsylvania, Virginia, Maryland, Tennessee, and the District of Columbia, whether Cowles Communications, Inc., has engaged in willful and concerted attempts to defraud, mislead, and/or harass consumers and subscribers; and, if so, whether Cowles Communications, Inc., possessed the requisite qualifications to hold, control, or retain a substantial interest in a broadcast license authorization;

(b) To determine whether facts developed concerning the foregoing allegations constitute unfair business practices or unfair competition, and if so, whether Cowles Communications, Inc., possesses the requisite character qualifications to hold, control, or retain a substantial interest in a broadcast license authorization.

4. While not specifically stating so, Central's major petition seeking the above-quoted issues, in effect, requests substitution of the requested issues for Issue 2e as specified in the designation order, and deletion of the conditional grant procedure prescribed by paragraph 25 of the designation order. The Bureau's petition is also directed to Issue 2e, but instead of enlargement or modification of the issue, the Bureau seeks merely what it deems to be a correction of Issue 2e for the purpose of rectifying an

[1] As this proceeding involves a renewal application, it was in the designation order made subject to the FCC Policy Statement on Comparative Hearings Involving Regular Renewal Applicants (FCC 70-62, released Jan. 2, 1970). See, paragraphs 20 and 26 of the designation order. By further order, released Aug. 20, 1971, the Commission, in accordance with the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Citizens Communications Center, et al. v. FCC, et al. (Case Nos. 23, 471, decided June 11, 1971), deleted those portions of its prior designation order relating to the Policy Statement, "thus making clear that the Policy Statement is not applicable to this proceeding", and that "the comparative issue as presently framed properly provides for a full comparative hearing."

[2] In passing, the Board notes that the Commission's action of Aug. 18, 1971, granting the application for transfer of control of WREC-TV, Channel 3, Memphis, Tenn., from Cowles Communications, Inc., to the New York Times Co., was made subject to the outcome of a number of legal proceedings involving both parties, including the "State and Federal proceedings against Cowles and some of its subsidiaries, involving their magazine subscription activities * * * being considered in connection with Cowles' renewal applications for Stations WESH-TV, Channel 2, Daytona Beach-Orlando, Fla., and KRNT-AM-FM and KRNT-TV, Channel 8, Des Moines, Iowa." See, Commission Report No. 10083, Broadcast Action, dated Aug. 18, 1971.

[3] A list identifying these documents and their respective interrelated pleadings is set forth in appendix A annexed hereto.

apparent mistake in the issue. According to the Bureau, the wording of Issue 2e stems from an inaccurate statement of fact in paragraph 25 of the designation order that "Cowles Communications, Inc. [CCI], and five of its subsidiaries paid $50,000 in fines and pleaded no contest to 50 criminal counts of mail fraud." As stated by the Bureau, the criminal information proceeding named only the five wholly owned magazine subsidiaries as defendants. Hence, the Bureau states that it is evident that the Commission mistakenly considered CCI a party to the suit and thus inaccurately specified Issue 2e. Accordingly, the Bureau requests that the issue be modified to read, as follows:

[To determine] the facts and circumstances surrounding the purported criminal mail fraud by five wholly owned subsidiaries of the applicant's parent corporation, Cowles Communications, Inc.

5. Central's other concurrently filed petition seeks the addition[4] of a nondisclosure, a § 1.65 and a § 1.526 issue directed against Cowles primarily because (a) of its alleged failure to notify the Commission of similar litigation in Pennsylvania, California, and Michigan concerning CCI which involved similar activities of its magazine subsidiary company purportedly contrary to State statutes relating to unfair trade practices, anticompetitive practices, and installment sales practices; and (b) of the alleged highly selective and reluctant manner CCI submitted information and copies of these various and sundry complaints to the Commission.

BACKGROUND FACTS

6. All pertinent background facts are required to place the above-described petitions in perspective, and these facts, derived from the Commission's public files and from the pleadings here, are summarized, as follows: Initially, it is noted that the litigation in the State of Wisconsin which is referred to in the conditional grant procedure set forth at paragraph 25 of the designation order was reported in the WESH-TV renewal application. It is further noted that on January 29, 1971, a copy of a Michigan complaint was delivered to the Broadcast Bureau "for the information of the Commission's staff."[5]

7. Thereafter, by letter, dated February 5, 1971, cross-referenced to the subject WESH-TV file, John F. Harding, Executive Vice President and General Counsel of Cowles Communications, Inc., advised the Commission of the (a) criminal information proceeding and a companion civil injunction proceeding; and (b) termination of the criminal proceeding by nolo contendere pleas and fines, of the termination of the companion civil proceeding by a consent decree and injunction. The letter emphasizes (a) that the criminal information proceeding named only the five magazine subsidiaries; (b) that "the entry of a guilty plea in this action would constitute an admission against interest and would be seriously prejudicial in * * * civil litigation;" and (c) that CCI was named as a party to the civil suit, but no charges were made against CCI. It is further stated in the letter that "all of the pleadings referred to have been delivered to the Office of the Deputy Chief, Broadcast Bureau, for reference copies." No copies were filed as an amendment to the WESH-TV application; nor were any copies of these documents or pleadings served upon Central although it was supplied with a copy of the letter. As indicated at paragraph 2, supra, the Commission's designation order refers to the criminal information proceeding, but there is no reference to the companion civil injunction proceeding in which CCI was named as a party.

8. By this letter report of February 5, 1971, a brief reference is made to the fact that "The Federal Trade Commission has issued a complaint, served on January 25, 1971, involving the same general allegations," and that "because of liaison between the FCC and the Federal Trade Commission" CCI assumes that the FCC had been supplied with a copy of the complaint. As further indicated at paragraph 2, supra, the designation order in circumscribing the conditional grant procedure relating to the Federal Trade Commission (FTC) proceeding and the Wisconsin state proceeding makes reference to a complaint of the FTC; however, that reference relates to a prior FTC investigatory proceeding involving several publishers which subsequently and on January 25, 1971, culminated in the FTC complaint directed against CCI. See, paragraph 11, infra.

9. The letter report of February 5, 1971, also advised the Commission that "these companies [the five magazine subsidiaries], as well as the parent company, are presently defendants in civil litigation in several courts * * *," and that a recent proceeding was instituted in the state of Michigan where the Attorney General directed a third-party complaint against four of the magazine subsidiaries "and the Company, [and] accused defendants of, among other acts, deceptive advertising, public nuisance and obtaining money by false pretenses and violation of the Michigan Retail Installment Sales Act." As indicated previously, a copy of the Michigan complaint was delivered to the Broadcast Bureau on January 29, 1971 "for the information of the Commission's staff;" however, no mention is made of the Michigan proceeding in the Commission's designation order.

10. CCI's report of February 5, 1971, was supplemented by a letter, dated February 26, 1971, from Mr. Harding, but was referenced solely to the files of Stations KRNT and KRNT-TV, Des Moines. No copy was cross-referenced or directed to the files of WESH-TV, and no copy was provided to Central, as in the case of the prior February 5 report. This supplementary report, in part, is directed to the Federal Trade Commission proceeding which had only been briefly referred to in the prior report. Initially, it is pointed out that a copy of this complaint was transmitted to the Broadcast Bureau on February 19, 1971, apparently at the request of the Deputy Chief. In addition, this letter reports additional State litigation in the State of California involving similar practices of the five magazine subsidiaries allegedly contrary to State laws. As indicated at paragraph 2, supra, no mention is made of this California litigation in the designation order.

11. With respect to the Federal Trade Commission proceeding this later report traces the prior history of the investigation of the door-to-door magazine subscription activities of four major publishing houses, including CCI, by that administrative agency, and then indicates that the FTC complaints of January 25, 1971, were issued against only two of these four companies, one of which is CCI.[6]

12. This letter report of February 26, 1971, further identifies John F. Harding, the writer of this, as well as the prior, report stating that he is the Executive Vice President-Administration and General Counsel of CCI, and that he is the Secretary and Chief legal officer for every one of CCI's approximately 40 subsidiary companies, including the five magazine subsidiaries; that he was present at all stages of the proceedings, involving the criminal information and companion civil injunction proceeding; that he entered the nolo pleas in the criminal information proceeding; and that as the officer of the five subsidiary companies he signed the consent decree in the civil proceeding.[7]

[4] More specifically, the requested issues read as follows:

(a) To determine whether Cowles Florida Broadcasting, Inc., has failed in its responsibility to keep its pending application currently accurate and complete as required by § 1.65 of the Commission's rules;

(b) To determine whether the facts adduced pursuant to the foregoing issue reflect adversely upon the qualifications of Cowles Florida Broadcasting, Inc., to continue to be a Commission licensee;

(c) To determine whether Cowles Florida Broadcasting, Inc., has failed to fully disclose requisite information in its applications; and, if so, to determine the effect thereof upon Cowles Florida Broadcasting, Inc.'s, qualifications to continue to be a Commission licensee;

(d) To determine whether Cowles Florida Broadcasting, Inc., failed to properly maintain its public files pursuant to § 1.526 of the Commission's rules; and, if so, to determine the effect thereof upon Cowles Florida Broadcasting, Inc.'s, qualifications to continue to be a Commission licensee.

[5] See, paragraph 5, opposition of Cowles to Central's petition for a 1.65 issue, etc.

[6] Apparently, one company had entered into a consent decree with the Federal Trade Commission, and the other had ceased to operate and closed its door-to-door subscription activities. See, also, CCI's letter of Aug. 12, 1971, reporting, among other matters, that the five CCI magazine subsidiaries are no longer in business for any practical purpose.

[7] As stated by Central, and as shown by appendix C attached to Central's petition to enlarge issues, Mr. Harding also signed the consent decree as Executive Vice President and General Counsel of CCI.

13. This letter report emphasizes again that:

The criminal information filed by the Department of Justice in the Federal District Court did not make any reference to CCI in any way. Neither did the criminal information make any charges of any kind against Cowles Communications, Inc. It is significant that this criminal information was filed after a very thorough investigation by the Postal Department and a Federal Grand Jury * * * [8] the most thorough investigation has been conducted by the Postal Department and by the Federal Grand Jury, and that neither has taken any action against Cowles Communications, Inc. as a result of these thorough investigations.[9]

14. This report of February 26 also outlines the position taken by CCI in its negotiations with the FTC, as well as with the various State authorities involved in the State complaints. Succinctly stated, it is CCI's position that it should not be named as a party defendant; that it should not be charged with the practices complained of, and that with respect to the Wisconsin, California, and Michigan litigation CCI is endeavoring to settle this litigation "on the same basis as the permanent injunction" issued by the court in connection with the civil proceeding of the Department of Justice. It is also stated that:

In the case of every one of the State actions referred to, Cowles Communications, Inc., is brought in solely on the contention that it is responsible for each and every act of its subsidiaries. Such a theory proceeds upon an assumption of absolute liability, albeit without any fault or wrongdoing. In one State case, the contention is made that CCI directs policies of a subsidiary corporation and is, therefore, responsible for the practices of the subsidiary * * *. With this contention, Cowles takes issue in each of the States. Charges are leveled that Cowles * * * was fully aware of all practices complained of in certain of the State proceedings. Still, the Federal Postal Authorities and the Federal Grand Jury * * * after a very long (2-year) and thorough investigation, found no basis for including CCI in the criminal information filed by the Department of Justice.[10]

THE PLEADINGS RELATING TO ISSUE 2e AND THE CONDITIONAL GRANT PROCEDURE AS CIRCUMSCRIBED BY THE COMMISSION AT PARAGRAPHS 25 AND 29 OF THE DESIGNATION ORDER

15. As indicated previously, Central's major petition (paragraph 3) and the Bureau's petition (paragraph 4) are both directly or indirectly related to Issue 2e of the designation order. For this reason, the pleadings of the parties present overlapping arguments, and since their respective positions do not emerge with clarity, the Board believes it desirable, first, to summarize the positions of the parties, and, thereafter, to discuss their positions.[11]

16. Briefly described, Central's major petition (paragraph 3) is one seeking substitution of its requested issues for Issue 2e now set forth in the designation order. This petition will hereinafter be referred to as Central's petition for substitution of issues. In support of its request, Central has submitted an elaborate showing, consisting of well over 200 pages of documents, annexed to its pleadings. By these documents, Central traces the troubled history of CCI's five magazine subsidiaries in the myriad Federal and State litigation. On this basis, its proposed substituted issues (paragraph 3) look toward an abbreviated type of evidentiary inquiry, essentially based on allegations of the various and sundry complaints (i.e., the criminal information, the companion civil complaint, etc.), rather than an evidentiary inquiry relating to the facts underlying those allegations. Central's proposed substituted issues also look toward deletion of the conditional grant procedure prescribed by the Commission with respect to the FTC proceeding and the Wisconsin proceeding, and resolution by this Commission of the public policy considerations involved in those, and the other State, proceedings. By its elaborate documentary submissions, Central also traces what it deems to be an alleged misuse by CCI of Wide Area Telephone Service (WATS).[12] Stripped of unessential details, Central's major thrust emphasizes that (a) on the basis of allegations of the criminal information, the subsidiaries were charged with "fraudulent and deceptive magazine subscription activities;" (b) on the basis of the allegations of the companion civil injunction proceeding, such activities "have been employed on a nationwide basis and constitute a widespread public nuisance and have a widespread and injurious effect upon the public welfare;" and (c) the civil injunction suit requested that CCI be required to undertake a surveillance program to insure that the operations of its subsidiaries, franchise dealers, and their employees are consistent with the court order. Central's emphasis with respect to the Federal Trade Commission proceeding relates primarily to allegations in that complaint that "through a variety of means, CCI, directly or indirectly through subsidiaries, controls and furnishes the means, instrumentalities, service, and facilities for, condones, approves, and accepts the pecuniary and other benefits flowing from the acts, practices, and policies which are the subject of the complaint." Central's emphasis with respect to the Wisconsin proceeding is similar and is directed to the alleged "widespread nature of the practices," nationwide in scope, and to the fact that CCI is a party defendant. Central's emphasis is also similar with respect to the litigation in California, Michigan, and Pennsylvania which litigation was not referred to in the Commission's designation order. To illustrate the charges of these various State

[8] According to 41 Am Jur 2d, Indictments § 1, an indictment is defined as a "written accusation or charge of crime, against one or more persons, presented upon oath by a grand jury." An information is defined as "a written accusation of crime preferred by a public prosecuting officer without the intervention of grand jury." The thrust of CCI's position, as stated above as well as in the pleadings of Cowles discussed infra, seeks favorable inferences from the fact that there was no indictment, that CCI was not named in the criminal information, and that the Department of Justice proceeded by way of a criminal information, dropping CCI which was the only party named in the grand jury investigation. (See, paragraph 17, infra.) However, there are no other facts, let alone legal principles, cited or relied upon by CCI to support favorable inferences. For example, there are no facts whatsoever submitted by CCI indicating (a) whether the grand jury refused to return an indictment and notified the court, and whether the court discharged the grand jury, or (b) whether no action was taken by the grand jury with respect to the return of a bill of indictment, and whether the term of the grand jury was permitted to lapse. There is also no indication whether CCI, or its five magazine subsidiaries, waived in open court, the return of an indictment as provided for by rule 7(b) of the Federal Rules of Criminal Procedure. In short, there are no facts submitted of what did actually occur. In passing, it may be noted that a Memorandum in Support of Affidavits and Exhibits filed by the Attorney General of Wisconsin in the Wisconsin litigation, submitted by Central as appendix E to its petition discussed infra, reads, in part, as follows: "Early contacts with the Department of Justice [of Wisconsin] were all made by Cowles' attorney * * *. Discussion developed to the point that the Cowles' attorney informed us of how the subsidiaries * * * and a franchise dealer * * * would settle with the Department of Justice. Such a procedure for settlement is not a unique [one] to this case and in fact was used in a similar manner with the Federal Trade Commission."

[9] See note 8, supra.

[10] See note 8, supra.

[11] Similar pleadings are before the Commission in connection with Central's petition seeking reconsideration by the Commission of Issue 2e and substitution of Central's requested Issues (a) and (b) as set forth in para. 3, supra.

[12] Paragraph 11 of the civil complaint which terminated in the injunction and consent decree, reads, as follows: "The said activities have been employed on a nationwide basis and constitute a widespread public nuisance and have a widespread and injurious effect on the public welfare. The United States mails and interstate wire facilities in the United States were used by the defendants in said fraudulent sales and collection activities." (Emphasis supplied.) In support of its allegations with respect to the alleged misuse of Wide Area Telephone Service (WATS) by CCI and its magazine subsidiaries, Central submitted in the appendices attached to its petition the following documents: Copies of a variety of complaints, letters, and correspondence concerning alleged telephone harassment and legal collection methods, and of an exchange of correspondence by the Common Carrier Bureau of this Commission with the Wisconsin Telephone Co., the American Telephone and Telegraph Co., the Chesapeake and Potomac Telephone Co. See appendix J. Central also submitted as appendix K, copies of the Commission's Public Notice (FCC 70-609, dated June 10, 1970) entitled "Use of Telephone for Debt Collection Purposes," and a staff memorandum, dated November 16, 1970, entitled "Memorandum on Use of Telephone for Debt Collection."

complaints allegedly linking CCI with the alleged misconduct of its magazine subsidiaries, Central refers (a) to the complaint of the Attorney General of the State of California which states that "at all times mentioned in this complaint, and that for many years past CCI was fully aware of the practices complained of," and that "CCI kept control over, knowledge of, and participated in the illegal activities of dealers by keeping the dealers in debt to CCI;" and (b) to the remarks of the Honorable Fred B. Rooney of Pennsylvania, as set forth in copies of the Congressional Record annexed to Central's petition whereby "Rooney blames corporate pressures for high volume sales as the root cause of magazine sales frauds," and challenges Cowles claim that his "charges" are unfounded in light of a Pennsylvania court proceeding.

17. Finally, by way of its comments to Cowles' motion of strike,[13] Central submitted a copy of the transcript of all known available materials of public record obtained from the clerk of court relating to the grand jury investigation which preceded the criminal information proceeding. These materials are captioned "In the United States District Court for the Southern District of Iowa in the Matter of Grand Jury Investigation of Cowles Communications, Inc., Miscellaneous 1-39, 1970," and constitute the ancillary court proceedings incident to the grand jury investigation. As indicated by the caption, the grand jury investigation relates to CCI, and this transcript at page 121 explains the scope of the investigation, as follows:

We have pending before us in the southern district of Iowa, before the grand jury, an investigation involving the magazine industry in general, involving the sale of magazines—what is known as P.D.S.—Paid During Service. While it is true that Cowles Communications and its five subsidiaries are before the grand jury, it is not our intention to limit it to them. It will go to the industry practices. And there will be witnesses in that respect.

* * * And it so happens that Cowles has 50 percent of all the P.D.S. service in America, or did have at the time they were under investigation. So that would logically be the first starter.

Obviously, the prime purpose of the submission of these ancillary court proceedings incident to the grand jury investigation is to establish that CCI was named as a party, and participated, as a party, in the grand jury investigation.

18. On the basis of its lengthy and elaborate submissions, Central essentially makes three main lines of argument. First, it is contended that in preparing the initial order of designation (paragraph 2 above), the Commission did not have available the facts now presented by it. In this connection, Central refers to the order of designation, and to the fact that the order on its face makes no reference to the civil complaint of the Department of Justice, or to the agreement of CCI, as well as the five subsidiaries, to abide by the terms of a decree of permanent injunction. Central also refers to the fact that the Commission's order does not mention litigation involving similar conduct of the five magazine subsidiaries in the States of California, Pennsylvania, or Michigan, and that the order took no cognizance of matters of record concerning alleged abuses of Wide Area Telephone Service lines (WATS) by CCI or its employees or agents in furtherance of what Central describes as a carefully orchestrated policy to defraud, harass, and mislead consumers and/or magazine dealers and employees, not to mention unfair competition. Secondly, Central contends that its carefully documented submissions constitute a conclusive showing that the fraudulent and deceptive practices of CCI are nationwide in scope. On the basis of this hypothesis that its documentary submissions constitute a conclusive showing, Central then argues certain propositions which, although stated unclearly, resolve themselves into a contention that on the basis of the nolo pleas, maximum fines, and consent judgment in the criminal information and companion civil proceeding, the magazine subsidiaries should, in effect, be deemed guilty of misconduct, and that CCI should, in effect, be deemed responsible for such misconduct. Hence, the issues requested by Central look toward an evidentiary showing grounded, in most part, upon Central's documentary submissions here in connection with its pleadings. Insofar as those issues look toward deletion of the conditional grant procedure prescribed by paragraphs 25 and 29 of the Commission's designation order with respect to the FTC and Wisconsin State proceeding, Central states that an evidentiary inquiry is required on the basis of the Commission's regulatory concepts in general, and the application of these concepts to this proceeding in particular.

19. Thirdly, Central asserts, citing Atlantic Broadcasting Co., 5 FCC 2d 717, 8 RR 2d 991 (1966) that "it is axiomatic that the Review Board may reach a different conclusion concerning the issues which must be scrutinized during a hearing proceeding when it is established that the Commission has not fully considered the matter in its designation order."

20. The Bureau opposes Central's request for substitution of issues, and Central, in turn, opposes the Bureau's request for correction of Issue 2e (paragraph 4). It is the Bureau's position that the few factual errors in the Commission's designation order should be corrected by the Board, and that the face of the designation order (paragraph 2, supra) demonstrates that the Commission was aware of and considered the various and sundry types of litigation involving the same or similar activities of CCI's magazine subsidiaries, and that the Commission fashioned the administrative procedures for handling the subject matter. The Bureau asserts that the Review Board is constrained to adopt the same procedures insofar as additional civil litigation is concerned which is inadvertently omitted from the designation order or which is reported by Central. Accordingly, the Bureau requests that (a) with respect to the California, Michigan, and Pennsylvania litigation, the Board incorporate such litigation within the conditional grant procedure already specified by the Commission; and (b) with respect to Issue 2e relating to the criminal information proceeding, the Board, in effect, merely substitute the names of the five magazine subsidiaries for that of CCI now specified in Issue 2e in order to correct the mistake of fact. In support of this latter request, the Bureau states:

The change will not, in the Bureau's view, in any way change the import of the issue since the activities of wholly owned subsidiaries are directly attributable to the parent corporation. The proposed change will merely correct a mistake in fact without altering the right of any party to argue the legal ramifications attendant to the alleged criminal activities.

21. Despite this unequivocal position as stated by the Bureau above, it is noted that in a subsequently filed reply pleading the Bureau apparently modified its initial position by arguing that "one of the critical links which must be forged at the hearing if Cowles Florida is to be faulted is attribution to Cowles Communications, Inc., of the activities of its five subsidiaries which were charged with criminal conduct."[14]

[13] Since the documents which Central provided were actual copies of the court's judgment relating to the criminal information proceeding, we find no adequate basis for either striking Central's comments, or the documents submitted with such pleadings. In this connection, the Board notes, in passing, that after Central filed a copy of the court's judgment, CCI obtained a Nunc Pro Tunc order of the court deleting that portion of the judgment which had previously read, as follows: "It is adjudged that the defendant is guilty as charged and convicted." As corrected, the decree of the court with respect to each of the five magazine subsidiaries, according to the Nunc Pro Tunc order remains "in full force and effect," and, in pertinent part, reads, as follows:

It is adjudged that the defendant upon his plea of nolo contendere to counts * * * have been convicted of the offense of violating title 18, section 1341, United States Code * * *.

[14] It is to be further noted, as brought to the Board's attention by Central, that the Bureau supported Central's request for production of documents relating to the criminal information proceeding, stating that the relevance of the requested documents to Issue 2(e) is apparent on their face. See, Memorandum Opinion and Order, FCC 71M-724, issued May 7, 1971, released May 10, 1971, by Chester F. Naumowicz, Jr., Hearing Examiner. In the memorandum opinion and order denying the request for production of documents, the Hearing Examiner indicates that with respect to Issue 2e:

* * * There is a dispute as to the scope of the issue. On the one hand, it may be construed as a directive to take evidence as to the fact that the mail fraud information was filed, the allegations of the information, the plea thereto, and the action thereon. On the other hand, it may be construed as a mandate to take the mail fraud cases to trial in this proceeding. Plainly, Central Florida believes the latter to be the Commission's meaning. While such a purpose is undoubtedly within the Commission's authority the Examiner is unable to agree that such was its intention * * *.

22. As indicated above, Central opposes the Bureau's request for correction of Issue 2e, and its variable positions here are opposite, to some extent at least, to its basic position as stated in its petition to substitute issues (paragraph 18, supra). On the one hand, Central states that "the mail fraud convictions are attributable to CCI, as parent company of the five subsidiaries," and that "the Commission has so indicated in framing Issue 2e." Central further states that "it may be reasonably construed that no change in the issue is necessarily warranted and the Commission's judgment, following Atlantic, supra, should be followed." On the other hand, Central asserts that one of the pivotal questions before the Board is to what extent the fifty counts of mail fraud are attributable to CCI; however, it also urges the Board to declare that CCI is responsible. In this connection, Central points out, as it did previously with respect to its motion to substitute issues (paragraph 18), that a plea of nolo contendere does not admit the allegations of the charge but merely says that the defendant does not choose to defend; [15] and, again, argues, in effect, that a legal conclusion relating to the misconduct of the subsidiaries could be predicated upon the fact that the five magazine subsidaries were fined maximum permissible fines; that the Court adjudged that the defendants upon their pleas of nolo contendere have "been convicted;" and that CCI in no pleading before this Commission has denied any of the charges relating to its magazines subsidiaries. On this hypothesis, Central argues that under the respondent superior doctrine this misconduct is attributable to CCI as the parent of these wholly owned subsidiaries.

23. Cowles opposes both the Bureau's request to correct Issue 2e, and Central's petition for substitution of issues. Insofar as the Bureau's request for correction is concerned, the thrust of Cowles' position is that the Review Board does not have the power to change the issue as requested because "the Commission has given full consideration to evidence before it, and there is no further or conflicting evidence on the matters." Following Atlantic, supra, Cowles contends that the Board is "lacking authority to substitute an entirely new issue." According to Cowles, the change in Issue 2e sought by the Bureau constitutes an entirely different issue because the Commission had evidence before it that CCI was not charged with any improper conduct in either the criminal information or companion civil injunction proceedings, and that CCI was not named as a party in the criminal information proceeding. Hence, in Cowles view, "it is, therefore, significant that the issue inquires only into purported criminal mail fraud of the applicant's parent corporation * * *."

24. Cowles also (a) refers to the Bureau's statement that "The change will not, in the Bureau's view, in any way change the import of the issue since the activities of wholly owned subsidiaries are directly attributable to the parent corporation," and (b) emphasizes that "the Commission's order nowhere discusses much less suggests this legal conclusion;" and (c) contends that the position urged by the Bureau "would of necessity require a finding that purported activities of wholly owned nonbroadcast subsidiaries are in some manner relevant to the operations or policies of an entirely separate broadcast subsidiary, without any inquiry into the activities or relationship of the parent." Stated another way, Cowles reads the issue, as now framed, to be one designed only to discover in the hearing if CCI, and, in turn, Cowles Florida, can legally, or by implication, be deemed indirectly responsible for the purported criminal activities of five of CCI's magazine subsidiaries. Challenging the inferences indulged in by Central relating to the nolo pleas, the grand jury proceeding, etc., Cowles states "that CCI would have a significant interest in the course of the grand jury investigation is to state the obvious," and that, contrary to the presumption urged by Central that the criminal information and civil proceeding prove attribution of improper conduct to CCI, the undisputed facts, according to Cowles, "are that the U.S. Attorney, the Department of Justice and the Court found no basis whatever for any such attribution." [16] In sum, Cowles states that none of the documents or pleadings placed before the Commission by Cowles Florida, CCI or Central permit, much less require, any finding of criminal misconduct by, or attributable to, Cowles, as a separate broadcast subsidiary, and that, absent such a finding, Central's recitation of permissible inferences from entry of a nolo contendere plea is inappropriate and superfluous.

25. Cowles' opposition to Central's petition for substitution of the scope of Issue 2e reiterates, in many respects, the position of CCI set forth in the February 26 report to the Commission (paragraphs 10 to 14, supra), as well as in its opposition to the Bureau's petition. In short, it again points out that CCI is not named as a defendant in the criminal information proceeding, that the grand jury has never returned an indictment against CCI,[17] and that the Department of Justice proceeded by information [18] only against five wholly owned "paid during service" (PDS) subsidiaries of CCI. Cowles also emphasizes again that "it is clear that the Department of Justice did not find any unlawful activity by CCI." With respect to the companion civil injunction proceeding, the Federal Trade Commission complaint, the Wisconsin complaint, and the other state complaints, the same information as set forth in CCI's February 26 report (paragraphs 10 to 14, supra) is largely restated.

26. It is Cowles' unequivocal position that (a) the conduct complained of is to date only unproven allegations; (b) none of the litigation involves in any way the licensee and the applicant here; (c) none of the allegations concern matters which, if proven, would reflect adversely on the licensee's qualifications; and (d) the Commission could consider the ramifications of proven unlawful conduct by the parent and subsidiaries on the operation of the broadcast subsidiary involved herein, but only upon resolution of the suits now pending before the Federal Trade Commission and the various State courts, and then only upon a finding of conduct related and relevant to the broadcast operations.

27. As to the alleged misuse of WATS (note 11, supra), Cowles asserts that these complaints concern companies with no direct association with CCI or its wholly owned subsidiaries, and that the practices complained of were engaged in by independent franchise dealers. Pointing out that the sole complaint relating to CCI is made by Hyatt, who was employed by Home Readers Service, Inc. of Memphis (a CCI subsidiary), Cowles states that Hyatt's employment was terminated by the subsidiary for using improper collection methods over the telephone and that his statement was simply a self-serving accusation of a disgruntled employee. Further, Cowles states that to its knowledge there have been no formal complaints filed with the Commission; neither has any fine been levied under section 223 [19] of the Communications Act of 1934, as amended. Instead, it asserts that the complaints have been resolved without action against CCI or any of the wholly owned PDS subsidiaries.

DISCUSSION AND CONCLUSIONS RELATING TO CENTRAL'S REQUEST FOR SUBSTITUTED ISSUES

28. We now come to an analysis of Central's requested substituted issues set forth at paragraph 3, supra. As shown by its requested issue (a), Central, in

[15] For a more detailed discussion of the legal implications of a plea of nolo contendere, see p. 5 of Central's supplement to its comments on broadcast bureau's motion to change issues, or p. 7 of Central's comments to Cowles' motion to strike.

[16] See note 8, supra.

[17] See note 8, supra.

[18] See note 8, supra.

[19] Section 223 reads, as follows:

Whoever—

(1) in the District of Columbia or in interstate or foreign communication by means of telephone—

(A) makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy, or indecent;

(B) makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number;

(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

(D) makes repeated telephone calls during which conversation ensues, solely to harass any person at the called number; or

(2) knowingly permits any telephone under his control to be used for any purpose prohibited by this section, shall be fined not more than $500 or imprisoned not more than 6 months, or both.

effect, includes within its scope all of the "allegations" set forth in the complaints relating to the multifarious litigation in the various State courts, the FTC proceeding, as well as the "allegations" of the criminal information and civil injunction complaint filed in the Iowa court. Thereafter, Central proposes a standard of conduct which it describes as "attempts to defraud" with respect to the criminal information and companion civil proceeding, whereas the criminal information is grounded upon charges of alleged mail fraud, and the companion civil proceeding is grounded upon allegations of nationwide fraudulent and deceptive practices. Secondly, Central seeks a change of the evidentiary standard of hard proven facts to constitute substantial evidence where, as here, the criminal information and civil injunction proceeding have been terminated by nolo pleas, maximum fines, a judgment of conviction, and a consent decree, without any exploration in this proceeding of (a) the facts underlying the charges and/or allegations of alleged mail fraud, and nationwide fraudulent and deceptive practices, (b) relevant facts relating to the relationship of CCI to its five magazine subsidiaries, and (c) relevant legal principles[20] with respect to the question of the extent, if any, of CCI's responsibility for the activities of its five wholly owned magazine subsidiaries. Thirdly, by issues (a) and (b), Central seeks a deletion of the conditional grant procedure circumscribed by the Commission with respect to the FTC and various State proceedings, the inclusion of these matters in this proceeding, and a determination by this Commission as to whether the conduct complained of constitutes not only "attempts to defraud," but also unfair trade practices and anti-competitive practices.

29. Suffice it to say that Central's proposal here extends far beyond this Board's jurisdiction, raising new policies and new procedures, relating to the implementation by the Commission of its Report on Uniform Policy As to Violation by Applicants of Laws of The United States (Docket No. 9572), 1 RR 91: 495 (1951), quite apart from the serious questions presented relating to well established legal principles governing due process and substantial evidence requirements. Without elaborating on Central's proposed standard of conduct, viz. "attempts to defraud," we merely note that Central pleadings are devoid of any discussion whatsoever concerning the origin, genesis, or even its own rationale pertaining to its proposed standard of conduct, other than a brief reference to the fact that in its policy statement, supra, the Commission evinced concern with conduct underlying the questionable activities of an applicant, and not with the question of whether such conduct is unlawful, per se. As indicated above, Central's proposed standard of conduct relates to the criminal information and companion civil injunction proceedings where the former is grounded on alleged mail fraud, and the latter is grounded upon allegations of nationwide fraudulent and deceptive practices.

30. With respect to Central's proposed change in the standard of proof, Central proposes, in effect, submission into evidence (a) the criminal information and the various complaints; (b) the nolo pleas; (c) the maximum fines; (d) the judgment of "conviction" in the criminal information case (see note 13, supra); and (e) the consent judgment in the companion civil injunction case, in lieu of an evidentiary hearing on the basic facts underlying the criminal information and companion civil injunction complaint. Central's methodology is not grounded upon any recognized evidentiary practice, or generally accepted inferences or assumptions, and Central cites no principles of law permitting the existence of nolo pleas, maximum fines, a consent judgment, etc., to be translated into substantial evidence sufficient to support a legal conclusion of misconduct in this proceeding. For it is clear, as indeed, admitted by Central, that nolo pleas, and consent decrees constitute proof of no fact, no any admission. Under these circumstances, the Commission has no adjudicated findings of the court with respect to the alleged misconduct. Westinghouse Radio Stations, Inc., 10 RR 878, 964–965. In this connection, we find significant the Commission's memorandum opinion and order (FCC 71–970) in re RKO General, released September 20, 1971, where it rejects contentions similar to those urged here and, in doing so, states that resolution of the proceedings must be based on records developed in the adjudicatory hearings before the Commission.

31. In reaching these conclusions rejecting Central's requested issue (a), the Board does not intend to imply that Central's proposal here for a change in the standard of proof has no appeal or is wholly lacking in merit. For it is undebatable that a protracted trial of the underlying facts relating to alleged antitrust violations, as in RKO, supra, or of the underlying facts of alleged mail fraud, and/or nationwide fraudulent and deceptive practices, as in the instant case, does frustrate the public interest in the Commission's orderly administration of its hearing processes which should look toward and be geared to expeditious resolution of hearings, and, particularly, such hearings relating to an application for renewal of license. However, we believe that the drastic modification of policies, procedures, and practices which Central seeks here are better and more fairly examined and considered in the broader context of a rulemaking proceeding, where the inquiry can be thorough and where all interested parties can participate. Central has not sought such a rulemaking proceeding.

32. For all of the reasons set forth above, we will deny Central's request for its issue (a) (paragraph 3). We will, likewise, deny its request for issue (b) (paragraph 3), which primarily involves deletion of the conditional grant procedure circumscribed by the Commission with respect to the FTC proceeding and the Wisconsin State proceeding, and the inclusion of these matters, and the other State proceedings, into the subject proceeding. Here, we agree with the Broadcast Bureau that the Commission has fashioned the administrative procedure to be used with respect to determinations as to whether such conduct constitutes unfair trade practices or anticompetitive practices under the various State and Federal statutes. In this connection, we note again with significance that essentially the same conduct is involved in all of these multifarious proceedings, and that this Commission's protection of the public interest insofar as its licensing functions are concerned, does not require at this time a full sweep of such conduct into all various State and Federal categories of public policy. Rather, on the basis of the inquiry circumscribed by Issue 2e, as modified herein and as geared to the facts underlying the criminal information and companion civil proceeding, sufficient scope is provided in the

[20] There is no discussion by the parties of these legal principles, other than Central's brief reference, without explanation, to the respondeat superior doctrine. In this connection, it is to be noted that although Cowles briefly indicates that there can be no direct attribution of the alleged misconduct of the subsidiaries, without an inquiry into the activties or relatonshp of the parent, Cowles did not proffer any facts relating to the structure and relationship of CCI and its subsidiaries, etc. For a discussion of some of the legal principles involved, see 18 Am Jur 2d, Corporations § 171, 19 Am Jur 2d, Corporations § 716 and 719; and Carl Zeiss Stiftung v. V.E.B. Carl Zeiss, Jena, 298 F. Supp. 1309 (1969), where the court, citing National Dairy Products Corporation v. U.S., 250 F. 2d 321, 8th Circuit, C.C.A. (1965), states: "Although the existence of a parent-subsidiary relationship is entitled to considerable great weight in determining whether the parent is legally responsible for antitrust misconduct of its subsidiary, the separate corporate entities will not be disregarded unless it appears that the subsidiary is independent of the parent in form only." In the Zeiss case a sufficient degree of dominion and control required to disregard the separate corporate entities was not shown even though it was established there had been some common board memberships, and subsidiaries did report results of operations. However, it was also established that separate books and records were maintained by separate employees, separate financial statements were prepared, and separate tax returns were filed. Under these circumstances, the Court held there was no proof of control.

It is to be noted that CCI does not stand before this Commission as a mere parent of its broadcast subsidiary, although this fact is not mentioned either by Central or by Cowles. CCI is a broadcast licensee of KRNT–TV and KRNT (AM–FM), Des Moines, Iowa. See, also, note 2, supra, relating to its prior ownership, albeit through a separate subsidiary, Cowles Broadcasting Service, Inc., of WREC–TV, Memphis, Tenn., and the conditions attached to a grant of an application for transfer of control to the New York Times Co.

Thus, while the principles of the Zeiss case are relevant to this proceeding, they may not be determinative of the question of CCI's responsibility in the ultimate disposition of this case.

subject adjudicatory proceeding to assure no risks to the public interest, and to Central's rights as a comparative applicant. Moreover, we note that although Central recognized that its request for deletion of the conditional grant procedure must be evaluated against "a backdrop of (a) the Commission's regulatory concepts in general, and (b) the application of these concepts to this proceeding in particular," Central, nevertheless, has made no showing here that the structuring of the Commission's inquiry and the conditional grant procedure is deficient from the standpoint of the overall public interest or of its rights to a full and fair hearing on the comparative issue. Nor does Central contend that the fashioning of the Commission's concern with these matters as exemplified by Issue 2e and the conditional grant procedure does not comport with Commission policy of abstaining from interpreting alleged violations of State or Federal law where the appropriate authorities have not yet acted.

DISCUSSION AND CONCLUSIONS RELATING TO CORRECTIONS OF THE COMMISSION'S DESIGNATION ORDER

33. The Board will grant, in substance, the Bureau's request for correction of Issue 2e on the basis of the Bureau's modified position (paragraph 21) that one of the critical links which must be forged at the hearing if Cowles is to be faulted is attribution to CCI of the activities of its five subsidiaries in the criminal information case. As indicated by our discussion in paragraphs 28–30, supra, it is the Board's view that the Commission, in so many words, viz. "facts and circumstances" as set forth in Issue 2e, is requiring an all inclusive factual showing relating to the underlying facts incident to the allegations of the criminal information, as well as the companion civil injunction case.

34. Similarly, we believe the question relating to the extent, if any, of CCI's participation and/or responsibility for the alleged misconduct of its five subsidiaries, is subsumed within the ambit of Issue 2e, if due regard is accorded to the troubled history of CCI and its magazine subsidiaries. As indicated by note 20, supra, this question resolves itself into a basic one relating to "control," which CCI has challenged in the Federal Trade Commission proceeding, as well as in the multifarious State court proceedings, and which it now challenges before this Commission. Moreover, contrary to Cowles' position (paragraph 25), there can be no resolution of this question on the basis of its assertions concerning the grand jury and the Department of Justice, and the Commission did not, in its designation order, either accept or reject CCI's assertions as set forth in its letter of February 26, 1971, relating to the implied resolution of this question either by the grand jury or by the Department of Justice. In any event, we believe that in the absence of a reasoned analysis in the designation order as contemplated in Atlantic, supra, we are obligated to rule on this matter, and on the basis of the pleadings before us a threshold showing has been made to warrant an issue to permit the adduction of evidence to determine the extent, if any, of CCI's participation and/or responsibility for the activities of its magazine subsidiaries.

35. We are also constrained to point out that with the troubled history of these magazine subsidiaries in mind, the problems to which the multiple pleadings of the parties have been directed ought not to elude clarity to the extent presented by their diametrical opposite views or their variable, if not internally inconsistent, positions. Surely, with this history in mind, there is no reason for the parties (a) to refuse to accept the fact that the Commission in its designation order fashioned and specified an inquiry relating to the alleged mail fraud by specifying Issue 2e evincing its concern with the subject matter albeit on the basis of an inaccurate and incomplete description of the criminal information and companion civil proceeding; (b) to refuse to recognize the state of affairs as unfolded with respect to the criminal information and companion civil proceeding; and (c) to take positions which are essentially based upon the literal language of Issue 2e without regard to all, and not merely some, of the facts which gave rise to the issue. For it is obvious that literalness of meaning affixed to particular words, without regard to all antecedent facts, sheds no light on the problem. Stated another way, the Board does not agree that the essentially literal reading of Issue 2e by the parties compels the meaning which they give to it. More specifically, we find no merit in the Bureau's initial position (paragraph 20) that substitution of the names of the five magazine subsidiaries, standing alone, would correct the problems with the issue which stem not only from an inaccurate description of the criminal information proceeding but, in addition, from the fact that the companion civil injunction case is not mentioned; nor do we agree with the Bureau's initially stated position that the activities of the wholly owned subsidiaries are directly attributable to the parent corporation without an evidentiary exploration of relevant facts. (See, note 20, supra.) Similarly, we find no merit in Central's contention that the Commission in wording the issue as it did and by including CCI only, reached an implicit conclusion attributing direct responsibility to CCI. We also disagree with Cowles that the Commission deliberately named CCI only, thereby, in effect, holding that CCI is not directly responsible, and leaving it to the parties to argue the legal ramifications of indirect responsibility. (See, note 20, supra.)

36. As pointed out above, it is our view that the very purpose and direction of the issue, in light of the nature of the termination of the criminal information and companion civil proceedings, is to require full exploration of all "facts and circumstances" (a) relating to the facts underlying the allegations of the criminal and companion civil proceedings and (b) relating to the question of the extent, if any, of CCI's participation and/or responsibility for the alleged activities of its magazine subsidiaries. In sum, the Board will correct and/or modify Issue 2e to comport with our discussion above. However, the scope of this issue, insofar as the alleged misuse of WATS is concerned, will depend on whether this matter is deemed relevant to the allegations of the civil injunction case (see, note 12, supra), and this is a matter for the Hearing Examiner's determination. Insofar as the pending proceedings in Michigan, California, and Pennsylvania are concerned, the Board will include these matters as part of the condition found in paragraph 29 of the designation order. With respect to the two proceedings now pending in Pennsylvania, only one is to be made part of the condition. That case involves a suit brought by a CCI subsidiary (Mutual Readers League, Inc.) against one of its franchised dealers in which the State of Pennsylvania intervened as amicus curiae thereby making the subsidiary a third party defendant. A permanent injunction was then issued against both parties and the case is now on appeal. Since, from the pleadings, it did involve a CCI subsidiary, we will add this proceeding to the condition. The other Pennsylvania case will not be included; as Cowles explains, this latter suit is in no way related to a CCI subsidiary.

OTHER MATTERS

37. We turn to Central's petition to add a § 1.65 issue, etc. (paragraph 5, supra) directed against Cowles. Without reciting the details of the pleadings, it is evident on the basis of the facts set forth in paragraphs 6 to 14, supra, that Cowles did not submit appropriate amendments to either Cowles' application for renewal of WESH–TV's license or to Cowles' application for modification of the authorized facilities of WESH–TV. It is also evident that its informal filings, as well as its selective manner of supplying copies of documents "for the information of the Commission's staff," may reasonably account, to some extent at least, for the patent errors in the designation order. As indicated at paragraph 10, supra, CCI's letter of February 26, 1971, was not cross-referenced to the subject applications; nor was it cross-referenced to the WESH–TV public license files, and, as stated by Central, it was filed only 3 work days prior to the Commission's consideration of its designation order. Cowles' reasons for its chosen course are based on its position that the activities of CCI's wholly owned magazine subsidiaries are not relevant to "license renewal proceedings involving the parent corporation or unrelated broadcast subsidiaries."

38. Clearly, in our view, the applications forms, the Commission's report and order in (Docket 14867), Reporting of Changed Circumstances, 29 F.R. 15516, 3 RR 2d 1622 (1964), and the Commission's Report on Uniform Policy As To

Violation by Applications of Laws of the United States, supra, compel the filing of this type of information as an amendment, including copies of all relevant documents, to keep pending applications up-to-date. We, therefore, deem Cowles' reasons for its informal and selective submissions wholly lacking in merit. In addition, it is our view that elementary principles of fairness would require Cowles to serve such amendments and related documents on Central, and that it should have, in any event, served a copy of its February 26th letter, and related documents, on Central. Nevertheless, the fact remains that Cowles did file its informal letter reports of February 5 and 26, 1971, respectively, reporting the substance of this multifarious litigation to the Commission, and the face of the Commission's designation order reflects this reported information. Thus, in light of the multifaceted and complex issues already in this proceeding, we will not add the issues requested by Central because they are not warranted, even though the Board cannot commend Cowles' method of informing the Commission of the multifarious litigation as conducive to the orderly and efficient conduct of the Commission's business. Moreover, it is our opinion that Cowles does not stand alone in this respect, because Central's erroneous references in its petition to substitute issues (paragraph 18) must be viewed in similar vein. There, for example, Central erroneously stated that a press release by the Department of Justice announced that the Justice Department had filed a 50-count criminal indictment against CCI. Surely, in light of Central's arguments in that petition and its elaborate submissions, such erroneous references as these cannot be ascribed to mere typographical errors.

39. One further matter remains for discussion. While reviewing the pleadings, the Board has become concerned with the fact that in paragraph 1 of its opposition to Central's petition to substitute issues, Cowles does not seem to deem CCI as a party to this proceeding for purposes of carrying the burden of proof or burden of proceeding with evidence, whereas it did not appear to challenge the fact that CCI is a party to this proceeding, as its parent company, when it urged its position that (a) by the inclusion of CCI only in Issue 2e as specified by the Commission, the Commission deliberately determined that CCI had no direct responsibility, and (b) Issue 2e relates solely to the legal ramifications of CCI's indirect responsibility. Although we have rejected Cowles' position, there is no doubt, in our view, that Issue 2e, as specified by the Commission and as modified by the Board, requires (a) CCI, as the parent of Cowles and as the licensee of KRNT-TV-AM-FM Des Moines, Iowa, to come forward with evidence, particularly, in relation to the structure, relationship, and activities of CCI in regard to its magazine subsidiaries, as well as its broadcast properties,[1] and (b) Cowles to carry, under section 309 of the Communications Act, the burden of proof with respect to Issue 2e.

40. Accordingly, the Board is of the opinion that to be conducive to the proper dispatch of business and the ends of justice, the designation order should at this time, on the Board's own motion, be amended to include CCI as a party to this proceeding, and to prescribe (a) that the burden of proof with respect to Issue 2e is on Cowles; (b) that the burden of proceeding with the evidence is on CCI and Cowles, insofar as Issue 2e relates to CCI's structure, relationship, and activities in connection with its magazine subsidiaries, and its broadcast properties, and to any mitigating facts which CCI may deem relevant to this issue; and (c) that the burden of proceeding with evidence relating to the facts underlying the allegations of the criminal information and companion civil injunction complaints is on Central and the Commission's Broadcast Bureau.

41. *Accordingly, it is ordered,* That the petition of Central Florida Enterprises, Inc. to enlarge and modify issues concerning Cowles Communications, Inc.'s subsidiary, Cowles Florida Broadcasting, Inc., filed on March 29, 1971, is denied; and the Broadcast Bureau's motion to change issues, filed April 29, 1971, is granted, to the extent indicated herein, and is denied in all other respects; and

42. *It is further ordered,* That Issue (2) e, as specified in the designation order, is corrected and/or amended to read as follows:

The facts and circumstances (i) surrounding the criminal information proceeding relating to purported mail fraud by five wholly owned P.D.S. magazine subsidiaries of the applicant's parent corporation, Cowles Communications, Inc., (ii) surrounding the companion civil proceeding relating to purported nationwide fraudulent and deceptive practices by these same P.D.S. magazine subsidiaries, and (iii) relating to the extent, if any, of the participation and/or responsibility of Cowles Communications, Inc., for the activities of its five P.D.S. magazine subsidiaries.

43. *It is further ordered,* That the condition specified by the Commission in paragraph 29 of the designation order herein is corrected and/or amended to read as follows:

That the grant of this application is without prejudice to whatever action the Commission may deem appropriate as a result of the pending proceedings involving Cowles Communications, Inc., instituted by the Federal Trade Commission, the States of Wisconsin, California, and Michigan, and the Pennsylvania litigation involving Mutual Readers League, Inc., a subsidiary of Cowles Communications, Inc.

44. *It is further ordered,* That Cowles Communications, Inc., is made a party to this proceeding with regard to Issue 2(e); and

45. *It is further ordered,* That the petition of Central Florida Enterprises, Inc., to add full disclosure, § 1.65, and failure to maintain proper public files issues against Cowles Florida Broadcasting, Inc. (WESH-TV), filed March 29, 1971; and the motion to strike supplement to Central's comments on motion to change the issue, filed on June 1, 1971, by Cowles Florida Broadcasting Service, Inc., are denied.

Adopted: October 20, 1971.

Released: October 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

I. (1) Petition to enlarge and modify issues, filed March 29, 1971, by Central Florida Enterprises, Inc. (Central).
(2) Opposition, filed April 22, 1971, by Cowles Florida Broadcasting, Inc. (Cowles).
(3) Comments, filed April 22, 1971, by the Broadcast Bureau.
(4) Correction to (2), filed May 7, 1971, by Cowles.
(5) Reply to (3), filed May 14, 1971, by Cowles.
(6) Reply to (2) and (3), filed May 14, 1971, by Central.
II. (1) Petition to add issues, filed March 29, 1971, by Central.
(2) Opposition, filed April 13, 1971, by the Broadcast Bureau.
(3) Opposition, filed April 22, 1971, by Cowles.
(4) Reply, filed May 14, 1971, by Central.
III. (1) Motion to change issues, filed April 29, 1971, by the Broadcast Bureau.
(2) Opposition, filed May 12, 1971, by Cowles.
(3) Comments, filed May 12, 1971, by Central.
(4) Supplemental to (3), filed May 19, 1971, by Central.
(5) Reply to (2), filed May 24, 1971, by the Broadcast Bureau.
(6) Reply to (3), filed May 24, 1971, by the Broadcast Bureau.
(7) Motion to strike supplement (4), filed June 1, 1971, by Cowles.
(8) Comments to (7), filed June 16, 1971, by Central.
(9) Reply to (8), filed July 6, 1971, by Cowles.

[FR Doc.71-16005 Filed 11-2-71;8:48 am]

[1] Since CCI, in Cowles' pleadings, disclaims responsibility for the operations of its magazine subsidiaries, a serious question is raised as to whether "CCI's corporate policies, procedures, and organizational structure are such as to assure proper discharge of the responsibility of top management for operation of the broadcast stations in the public interest." General Electric Co., 22 RR 307 (1961), and Westinghouse Broadcasting Co., 22 RR 309 (1961). We do not believe that evidence with respect to CCI's policies and practices with respect to its broadcast properties should await a further hearing. Instead, we believe that all of these matters should be explored in the subject hearing, within the scope of Issue 2e, and that CCI should have the burden of proceeding with pertinent evidence.

[2] Board Member Berkemeyer concurring in the result and statement of Dee W. Pincock, dissenting in part, filed as part of the original document.

FEDERAL MARITIME COMMISSION

EPIROTIKI STEAMSHIP CO.

Notice of Issuance of Certificate [Casualty]

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

The Epirotiki Steamship Co., George Potamianos S.A., 2, Bouboulinas Str., Piraeus, Greece.

Dated: October 28, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–16032 Filed 11–2–71;8:51 am]

EPIROTIKI STEAMSHIP CO.

Notice of Issuance of Certificate [Performance]

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

The Epirotiki Steamship Co., George Potamianos S.A., 2, Bouboulinas Str., Piraeus, Greece.

Dated: October 28, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–16033 Filed 11–2–71;8:51 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which has been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01128	Apache Barge Co.: Apache.
01129	Comanche Barge Co.: Comanche.
01130	Cherokee Barge Co.: Cherokee.
01131	Choctaw Barge Co.: Choctaw.
01132	Cape Charles Barge Co.: Cape Charles.
01133	Cape Henry Barge Co.: Cape Henry.
01153	Atlas Levante-Linie G.m.b.H.: Pacifico.
01287	Knohr & Burchard Nfl.: Lasbek.
01326	Sabine Towing & Transportation Co., Inc.: STCO 200. STCO 201. STCO 202.
01340	Compagnie Auxiliaire de Navigation: Bethsabee.
01412	Shipping Developments Corp., Panama: Santa Anna.
01758	Chotin Transportation, Inc.: Chotin 49. J&S 826. J&S 300. BBT 977. Chotin 50. Chotin 989. Chotin 990. Chotin 1506. Chotin 1513. Chotin 1780.
01817	The Clan Line Steamers, Ltd.: Clan MacLennan.
01818	Houston Line, Ltd.: Clan MacDougall.
01875	Sicula Sakda-Societa di Navigazione S.p.A.: Giovanni Queirolo. Pugliloa.
01876	Sicula Ligure-Societa di Navigazione S.p.A.: Sunprince.
01905	The Ben Line Steamers, Ltd.: Bennachie.
01910	Deutche Dampfschifffahrts-Gesellschaft "Hansa": Geyerfels.
01935	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Damp . . . Af 1912 Aktieselskab: Gjertrud Maersk.
01981	Ab Svenska Orient Linien: Thuleland.
02001	Rederiaktiebolaget Transatlantic: Lommaren. Bullaren.
02189	Williams-McWilliams Co., Division of Paramount Warrior, Inc.: Port Arthur. Arkansas. Vicksburg. George A. McWilliams. Natchez. W–701.
02238	John T. Essberger: Ulanga.
02264	Fr. Erich Retzlaff: Else Retzlaff.
02458	The China Navigation Co., Ltd.: Anshun.
02463	H. Peters: Hildegard Peters.
02498	Chevron Oil Co.: Z–112. PBI No. 1.
02551	Ellerman Lines, Ltd.: City of Exeter. City of Durban.
02621	Ernst Russ on behalf of Partenreederei M/V Julius Schindler: Julius Schindler.
02691	Gulf Navigation Corp.: Cathy.
02870	Isthmian Lines, Inc.: Steel Rover.
02872	States Marine International, Inc.: Aloha State.
02956	Ashland Oil, Inc.: NDT 103. UMI 1204. UMI 1206. SS 2021.
02980	Rederi A/S Mimer and A/S Norfart: Anja.
03090	Malaysia Overseas Lines, Ltd., Liberia: Oriental Inventor.
03314	Gulf Oil Corp.: Gulf Chem I. Gulf Chem II.
03352	Eastern Union Marine Corp., Inc.: Eastern Union.
03413	Baba-Daiko Shosen K.K.: Narasan Maru.
03438	Imura Kisen Kabushiki Kaisha: Kiyo Maru.
03441	Japan Line, K.K.: Nichiwa Maru.
03503	Shofuku Kisen K.K.: Kenryn Maru. Daikai Maru.
03519	Toko Shosen K.K.: Ganges Maru.
03691	Spentonbush Transport Service, Inc.: W. A. Weber.
03692	Marmac Corp.: M–609.
03841	American Export Isbrandtsen Lines, Inc.: Atlantic.
03918	Mobil Tankers Co. (Liberia), Ltd.: T.B.N. Mobil Pride. Mobil Comet. Mobil Japan. Mobil Valiant. Mobil Vigilant. Tasso.
04357	Koninklijke Nedlloyd N.V.: Utrecht.
04407	Domar, Inc.: Z–102.
04437	LeBeouf Bros. Towing Co., Inc.: OC 603. OC 604.
04474	Fukucho Suisan Kabushiki Kaisha: Fukucho Maru No. 13.
04476	Katsukura Gyogyo Kabushiki Kaisha: Shoeimaru No. 12.
04564	Yamashita-Shinnihon Kisen Kaisha: Kotoura Maru.
04637	McAllister Brothers, Inc. (New York): Triton.
04641	American Tug Boat Co.: ATB 99.
04665	Panagos Shipping Co., Ltd.: Panagos L.
04841	Hydromar Corp. of Delaware: Hydro-Atlantic.
04936	Alaska Steamship Co.: Fortuna. Chena. Polar Pioneer.
05241	Sea Bees B–9, Inc., Owner: Vito Cirillo.
05302	Sea Bees T–2, Inc., Owner: Cirillo Bros. 162.
05303	Sea bees B–10, Inc., Owner: Costantino.
05438	Time Lines (Panama), Ltd., S.A.: Tien Shun.

Certificate No.	Owner/operator and vessels
05493	Vasco-Antillean Navigation Co., Ltd.: Aurrera.
05520	Union Carbide Corp.: RC 1401. RC 2005. NMS 1202.
05591	Caribbean Charters & Operators, Ltd.: Copperland.
05764	Cerrahogullari Umumi Nakliyat ve Ticaret: Turkiye.
05776	Erich Hanisch: Seeadler.
05826	Y. K. Yasuchiyo Kaiun: Oshima Maru.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-16034 Filed 11-2-71;8:57 am]

FEDERAL POWER COMMISSION

[Project No. 2485]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Notice of Application for Amendment of License for Partially Constructed Project

OCTOBER 27, 1971.

Public notice is hereby given that application has been filed under the Federal Power Act (16 USC 791a–825r) by The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co. (correspondence to: Anthony E. Wallace, president, The Connecticut Light and Power Co., Post Office Box 2010, Hartford, CT 06101; Joseph R. McCormick, president, The Hartford Electric Light Co., Post Office Box 2370, Hartford, CT 06101; Robert E. Barett, Jr., president, Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, MA 01089) for amendment of license for partly constructed Project No. 2485, known as the Northfield Mountain Pumped Storage Project, located on the Connecticut River, Briggs Brook, and Four Mile Brook in Franklin County, Mass.

The application seeks to delete from the license the requirement for development of recreation resources in the Four Mile Brook area. According to the application, licensees' proposal for recreational development of the Four Mile Brook area was rejected September 28, 1970 by local citizens of the town of Northfield, Mass. In the absence of alternate sites in the area, licensees do not wish to pursue development of the Four Mile Brook area but desire to expend funds which were to be devoted to the Four Mile Brook development on the development of other recreational resources. Therefore, the licensees request that article 41 of the license be amended by deleting from the second sentence thereof the phrase, "shall construct, operate, and maintain or provide for the construction, operation, and maintenance, of the outdoor recreation resources at the Four Mile Brook area, generally as shown in exhibit R (FPC No. 2485–30), which formed a part of the application, and" so that the sentence will read: "The licensees, from these monies, shall purchase and make available to the Commonwealth of Massachusetts the land needed for the Pauchaug Brook area."

Any person desiring to be heard or to make any protest with reference to said application should on or before December 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15978 Filed 11-2-71;8:46 am]

[Docket No. RP72-53]

EAST TENNESSEE NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

OCTOBER 27, 1971.

Take notice that on October 14, 1971, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing proposed changes to its FPC Tariff, Sixth Revised Volume No. 1, and requests that such changes be made effective as of November 14, 1971. The company states that the aforementioned changes track the $3,519,775 rate increase sought by its supplier, Tennessee Gas Pipeline Co. and results in a 0.27 cent per Mcf increase in the commodity component of all its filed rates.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Any order or orders issued in this proceeding shall be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15979 Filed 11-2-71;8:46 am]

[Docket No. CP66-112 etc.]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition To Amend Orders

OCTOBER 27, 1971.

Take notice that on September 23, 1971, Great Lakes Gas Transmission Co. (petitioner), 1 Woodward Avenue, Detroit, MI 48226, filed in Dockets Nos. CP66-112, CP70-19, CP70-100, and CP71-223, a petition to amend the orders of the Commission heretofore issued in said dockets pursuant to section 3 of the Natural Gas Act, by authorizing an increase in the pressure at which petitioner receives gas imported from Canada and delivered by Trans-Canada Pipe Lines, Ltd. (Trans-Canada), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order of June 20, 1967, accompanying Opinion No. 521 (37 FPC 1070) in Docket No. CP66-112; the order of April 30, 1970, accompanying Opinion No. 577 (43 FPC 635) in Docket No. CP70-19; the order of April 30, 1970 (43 FPC 653), in Docket No. CP70-100; and, the order of June 1, 1971 (45 FPC ——), in Docket No. CP71-223, authorized petitioner, *inter alia*, to import natural gas into the United States from Canada. Petitioner purchases said gas from Trans-Canada and the gas is delivered at a pressure of 550 p.s.i.g.

Petitioner states that it has entered into an agreement with Trans-Canada whereby the delivery pressure will be increased at the Emerson, Manitoba, delivery point from 550 p.s.i.g. to 750 p.s.i.g. until October 31, 1973. Petitioner states that this increase in the delivery pressure will defer until the summer of 1973, an estimated capital expenditure of approximately $4,377,000, for the installation of additional compressor facilities. When the savings resulting from the deferred construction are added to the savings in fuel and operation expense, Petitioner states, the total savings are substantially in excess of the cost to petitioner of the compression service rendered by Trans-Canada. Petitioner will pay Trans-Canada at a rate of 0.20 cent per Mcf for this compression service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be

considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15980 Filed 11-2-71;8:46 am]

[Docket No. RP72-52]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

OCTOBER 27, 1971.

Take notice that on October 14, 1971, Midwestern Gas Transmission Co. (Midwestern) tendered for filing proposed changes to its FPC Tariff, Second Revised Volume No. 1, and requests that such changes be made effective as of November 14, 1971. The company states that the aforementioned changes track the $3,519,775 rate increase sought by its supplier, Tennessee Gas Pipeline Co. and results in a 0.27 cent per Mcf increase in the commodity component of all its Southern System filed rates.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Any order or orders issued in this proceeding shall be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15981 Filed 11-2-71;8:46 am]

[Docket No. CP70-185]

TENNESSEE GAS PIPELINE CO.

Notice of Application To Amend

OCTOBER 27, 1971.

Take notice that on October 12, 1971, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (petitioner), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP70-185 a petition to amend the order of the Commission issued in said docket on June 22, 1970 (43 FPC 937), pursuant to section 7(c) of the Natural Gas Act, by authorizing reallocation of presently authorized contract quantities of natural gas delivered by petitioner to Lawrence Gas Co. (Lawrence), Lynn Gas Co. (Lynn), and North Shore Gas Co. (North Shore), all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

Pursuant to the request of New England Electric System (NEES), the parent company of Lawrence, Lynn, and North Shore, petitioner proposes to reallocate the existing contract quantities of natural gas available to these three companies from applicant, commencing with the date of Commission authorization, as follows:

Company	Present contract MDQ (Mcf at 14.73 p.s.i.a.)	Requested contract MDQ (Mcf) at 14.73 p.s.i.a.)
Lawrence	19,104	18,849
Lynn	15,300	16,371
North Shore		
Beverly-Salem	14,750	13,934
Total	49,154	49,154

Applicant states that no increase in the contract quantities available to Lawrence, Lynn, and North Shore from applicant will result from providing the requested reallocation. NEES, which provides central direction of fuel supply and peak shaving operations to the three companies, has advised applicant that this reallocation is requested to achieve a balance in the degree day level at which said companies utilize onsite peak shaving. Applicant states that the proposed reallocation can be performed with existing facilities and without affecting its ability to render authorized natural gas service to other existing customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15982 Filed 11-2-71;8:46 am]

[Docket No. RP72-55]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Change in FPC Gas Tariff

OCTOBER 29, 1971.

Take notice that on October 15, 1971, Colorado Interstate Gas Co. (CIG) tendered for filing a proposed change in its FPC Gas Tariff providing for an increase in the rate under Rate Schedule S-1 from 26 cents per Mcf to 29.4 cents per Mcf. CIG requests that this tariff change be considered a minor rate increase under § 154.63(a)(3) of the Commission's regulations under the Natural Gas Act. CIG further requests that since the proposed Rate Schedule S-1 rate is based on the general service rates which are under suspension until January 1, 1972, in Docket No. RP72-4 and the underlying cost data is the same in both rate filings, the effective date of the proposed S-1 change also be suspended until January 1, 1972.

Copies of the proposed tariff changes were served on CIG's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1971 filed with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Any order or orders issued in these proceedings will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16048 Filed 11-2-71;8:51 am]

[Docket Nos. RP71-108, RP71-110]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Filing of Motion for Approval of Rate Agreement and Revised Tariff Sheets

OCTOBER 29, 1971.

Take notice that on October 18, 1971, Panhandle Eastern Pipe Line Co. (Panhandle) filed in Docket Nos. RP71-108 and RP71-110 a motion for approval of an attached agreement as to rates dated

October 18, 1971, together with a schedule of proposed rates. The agreement as to rates is stated to be the product of settlement discussion between Panhandle, the Commission staff, customers of Panhandle and other parties to these proceedings.

The rate agreement has been submitted as a negotiated settlement of these proceedings. It provides for a commitment by Panhandle to have a newly formed production affiliate, Pan Eastern Exploration Co., invest $35 million for the exploration and development of new gas reserves plus additional amounts related to discovered recoverable hydrocarbons, subject however to Commission certification of the project as filed. The rate agreement also includes a Purchased Gas Adjustment provision subject to pending rulemaking proceedings, that would have Panhandle revise its rates to reflect increases or decreases in its cost of purchased gas, and flow through any supplier refunds proportionately to jurisdictional customers.

Copies of the rate agreement, the settlement cost of service and a schedule of proposed rates were served on all of Panhandle's customers, parties of record, and interested state commissions.

Comments or objections to the proposed agreement as to rates may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before November 10, 1971.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16047 Filed 11-2-71;8:51 am]

[Docket No. CI72-254]

DOUGLAS B. MARSHALL ET AL.

Notice of Application

NOVEMBER 1, 1971.

Take notice that on October 29, 1971, Douglas B. Marshall, et al. (Applicants), c/o W. H. Drushel, Jr., Esquire, 2100 First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CI72-254 an application pursuant to section 7(c) of the Natural Gas Act authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco) from the South Gibson Area, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell natural gas to Transco for a period of 6 months to 1 year commencing by December 1, 1971, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) at the rate of 35 cents per Mcf at 15.025 p.s.i.a. The estimated monthly sales volume is 1,500,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16163 Filed 11-2-71;10:18 am]

OFFICE OF ECONOMIC OPPORTUNITY

APPLICABILITY OF DIRECTIVES

Notice of Issuance of Instruction

Notice is hereby given that:

1. On May 10, 1971, the Office of Economic Opportunity issued OEO Instruction 6000-2 entitled "Applicability of Directives". Appendix A to that OEO Instruction lists all OEO Instructions and Directives applicable as of May 10, 1971, to recipients of assistance under the Economic Opportunity Act of 1964, as amended, if such assistance is administered by OEO.

2. OEO Instruction 6000-2, the OEO Instructions and Directives listed therein, and all OEO Instructions issued since May 10, 1971 are available without cost to the class of persons affected thereby from:

OEO Publications and Distribution Center, 5458 Third Street NE., Washington, DC 20011.

WESLEY J. HJORNEVIK,
Deputy Director.

OCTOBER 28, 1971.

[FR Doc.71-16002 Filed 11-2-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 29, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4354, filed July 27, 1971. Applicant: ALLISON-LOGAN FREIGHT LINES, INC., 106 West High Street, Terrell, TX 75160. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, (a) from Emory, Tex., to Lone Oak, Tex., over Highways 69 and 513, to the junction of Highways 35 and 47, then to the junction of Highways 47 and 80, and return over the same route serving all intermediate points and for the purpose of forming joinder of routes with existing routes; coordinating this service with that rendered under other authority. Applicant seeks corresponding authority to conduct operations in interstate or foreign commerce. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Texas Railroad Commission, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16017 Filed 11-2-71;8:49 am]

[Notice 30]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 29, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised

Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–1515 (Deviation No. 596) (Cancels Deviation Nos. 370 and 571), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed October 15, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, *of passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highways 80 and 94 and U.S. Highway 41 at Hammond, Ind., over Interstate Highways 80 and 94 to junction Interstate Highway 65 in East Gary, Ind., thence over Interstate Highway 65 to Indianapolis, Ind., with the following access roads: (1) from Gary, Ind., over city streets to the 15th Avenue interchange of Interstate Highway 65, (2) from the interchange of Interstate Highway 90 (Indiana Toll Road) and Interstate Highway 65 over Interstate Highway 65 to interchange Interstate Highways 80 and 94, (3) from Lafayette, Ind., over Indiana Highway 43 to junction Interstate Highway 65, (4) from Lafayette, Ind., over Indiana Highway 26 to junction Interstate Highway 65, (5) from Lebanon, Ind., over U.S. Highway 52 to junction Interstate Highway 65, and (6) from Lebanon, Ind., over Indiana Highway 39 to junction Interstate Highway 65, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Rushville, Ind., over U.S. Highway 52 via Lebanon, Ind., to Lafayette, Ind., thence over U.S. Highway 52 via Templeton, Ind., to Atkinson, Ind., thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 to junction unnumbered highway, 2 miles south of Morocco, Ind., thence over unnumbered highway via Morocco to junction U.S. Highway 41, 0.5 mile north of Morocco, thence over U.S. Highway 41 to junction unnumbered highway approximately 1 mile south of Lake Village, Ind., thence over unnumbered highway via Lake Village, Ind., to junction U.S. Highway 41, approximately 1 mile north of Lake Village, Ind., thence over U.S. Highway 41 via Cook and Hammond, Ind., to Chicago, Ill., and (2) from junction U.S. Highways 6 and 41 and Indiana Highway 152 over Indiana Highway 152 to junction Interstate Highways 80 and 94, thence over Interstate Highways 80 and 94 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71–16018 Filed 11–2–71;8:49 am]

[Notice 34]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 29, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1936 (Deviation No. 10), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, PA 15224, filed September 23, 1971. Carrier's representative: Samuel P. Delisi, 530 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Greensburg, Pa., over U.S. Highway 119 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 1 at or near Newark, N.J., and (2) from Greensburg, Pa., over U.S. Highway 119 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Interstate Highway 81, at or near Harrisburg, Pa., thence over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction U.S. Highway 1 at or near Newark, N.J., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Greensburg, Pa., over U.S. Highway 30 to Breezewood, Pa., thence over Interstate Highway 70 to Hancock, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 1 at or near Morrisville, Pa., thence over U.S. Highway 1 to junction U.S. Highway 22 at or near Newark, N.J., and return over the same route.

No. MC–1936 (Deviation No. 11), B & P MOTOR EXPRESS, INC., 720 Gross St., Pittsburgh, PA 15224, filed September 23, 1971. Carrier's representative: Samuel P. Delisi, 530 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Breezewood, Pa., over Interstate Highway 76 to junction Pennsylvania Highway 75 at or near Willow Hill, Pa., thence over Pennsylvania Highway 75 to junction U.S. Highway 30 at or near Ft. Loudon, Pa., thence over U.S. Highway 30 to junction Pennsylvania Highway 41 at or near Gap, Pa., thence over Pennsylvania Highway 41 to the Pennsylvania-Delaware State line, thence over Delaware Highway 41 to Wilmington, Del., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Breezewood, Pa., over Interstate Highway 70 to Hancock, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Wilmington, Del., and return over the same route.

No. MC–29130 (Deviation No. 11), THE ROCK ISLAND MOTOR TRANSIT COMPANY, 2744 Southeast Market Street, Des Moines, IA 50305, filed October 19, 1971. Carrier's representative: George M. Mariner, 139 West Van Buren Street, Chicago, IL 60605. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Kans., over Interstate Highway 35 to Ottawa, Kans., thence over U.S. Highway 50 to Florence, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Kansas City, Mo., over U.S. Highway 24 to Topeka, Kans., (2) from Wichita, Kans., over U.S. Highway 81 to Newton, Kans., thence over U.S. Highway 50 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 56 approximately 3 miles east of Marion, Kans., and (3) from St. Joseph, Mo., over U.S. Highway 36 to Troy, Kans., thence over Kansas Highway 7 to junction Kansas Highway 20, thence over Kansas Highway 20 to junction U.S. Highway 73, thence over U.S. Highway 73 to Horton, Kans., thence over U.S. Highway 159 to junction Kansas Highway 9, thence over Kansas Highway 9 to junction U.S. Highway 75, thence over U.S. Highway 75 to Topeka, Kans., thence over U.S. Highway

40 to junction Kansas Highway 99, thence over Kansas Highway 99 to junction Kansas Highway 4, thence over Kansas Highway 4 to junction U.S. Highway 77, thence over U.S. Highway 77 to Herington, Kans., thence over U.S. Highway 56 to McPherson, Kans., thence over Kansas Highway 61 to Hutchinson, Kans., and return over the same routes.

No. MC-43421 (Deviation No. 30), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, IL 61202, filed September 22, 1971. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 via Fort Wayne, Ind., to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Interstate Highway 75, thence over Interstate Highway 75 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 12 (portion formerly U.S. Highway 112) to Detroit, Mich., and return over the same route.

No. MC-48958 (Deviation No. 31), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, TX 79105, filed October 15, 1971. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., over Interstate Highway 10 to junction Interstate Highway 15, thence over Interstate Highway 15 (U.S. Highways 66 and 91) to junction Interstate Highway 70 (Utah Highway 4) at or near Cove Fork, Utah, thence over Interstate Highway 70 (Utah Highway 4 and U.S. Highway 89) to Green River, Utah, thence over U.S. Highway 6 (Interstate Highway 70) to Idaho Springs, Colo., thence over U.S. Highway 40 (Interstate Highway 70) to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif., to Albuquerque, N. Mex., thence over U.S. Highway 85 to Denver, Colo. (also from junction U.S. Highway 85 and unnumbered highway 3 miles south of Greenhorn, Colo., over unnumbered highway to Crow, Colo., thence over Colorado Highway 165 to junction U.S. Highway 85 north of Crow; also from junction U.S. Highway 85 and Colorado Highway 105 approximately one-half mile south of Monument, Colo., over Colorado Highway 105 to Palmer Lake, Colo., thence Colorado Highway 393 to junction U.S. Highway 85 approximately 1½ miles north of Larkspur, Colo.), (2) from Los Angeles, Calif., over U.S. Highway 99 to Colton, Calif., thence over connecting highways to San Bernardino, Calif., and (3) from Colton, Calif., over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to Ashfork, Ariz., and return over the same routes.

No. MC-52310 (Deviation No. 3), BRUCE MOTOR FREIGHT, INC., 3920 Delaware, Des Moines, IA 50303, filed October 15, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Iowa Highway 92 and Iowa Highway 21 over Iowa Highway 21 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Iowa Highway 149, (2) from junction U.S. Highway 63 and Iowa Highway 149 over Iowa Highway 149 to junction Iowa Highway 78, thence over Iowa Highway 78 to junction U.S. Highway 218, thence over U.S. Highway 218 to Mount Pleasant, Iowa, and (3) from Centerville, Iowa, over Iowa Highway 5 to the Iowa-Missouri State line, thence over Missouri Highway 5 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 63, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Cedar Rapids, Iowa, over Iowa Highway 149 to junction U.S. Highway 63, thence over U.S. Highway 63 to Ottumwa, Iowa, (2) from Sigourney, Iowa, over Iowa Highway 92 to Oskaloosa, Iowa, (3) from Des Moines, Iowa, over Iowa Highway 163 to Oskaloosa, Iowa, thence over U.S. Highway 63 to Ottumwa, Iowa, thence over U.S. Highway 34 to Mount Pleasant, Iowa, thence over U.S. Highway 218 to junction U.S. Highway 61, thence over U.S. Highway 61 to Wentzville, Mo., thence over Interstate Highway 70 (formerly By-Pass U.S. Highway 40 and Alternate U.S. Highway 40) to St. Louis, Mo., (4) from Des Moines, Iowa, over the route described in (3) above to Ottumwa, Iowa, thence over U.S. Highway 63 to Columbia, Mo., thence over U.S. Highway 40 (Interstate Highway 70) to junction Interstate Highway 70 (formerly By-Pass U.S. Highway 40 and Alternate U.S. Highway 40), thence over Interstate Highway 70 to St. Louis, Mo., (5) from Leon, Iowa, over Iowa Highway 2 via Corydon, Iowa, to Centerville, Iowa, and (6) from Centerville, Iowa, over Iowa Highway 2 to junction U.S. Highway 63, and return over the same routes.

No. MC-69833 (Deviation No. 22), ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502, filed October 19, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Sturgis, Mich., over Michigan Highway 78 to the Michigan-Indiana State line, thence over Indiana Highway 9 to LaGrange, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Toledo, Ohio, over U.S. Highway 25 to Detroit, Mich., thence over U.S. Highway 12 (formerly U.S. Highway 112) to Niles, Mich., (2) from Chicago, Ill., over U.S. Highway 20 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over Michigan Highway 103 to junction U.S. Highway 131, thence over U.S. Highway 131 to Kalamazoo, Mich., and (3) from South Bend, Ind., over U.S. Highway 33 to junction U.S. Highway 6, thence over U.S. Highway 6 to Waterloo, Ind., thence over U.S. Highway 27 to Auburn, Ind., and return over the same routes.

No. MC-69833 (Deviation No. 23), ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502, filed October 19, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Mishawaka, Ind., and Bourbon, Ind., over Indiana Highway 331, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Goshen, Ind., over U.S. Highway 33 via Elkhart to South Bend, Ind., (2) from South Bend, Ind., over U.S. Highway 31 to Plymouth, Ind., and (3) from Columbus, Ohio, over Ohio Highway 31 to Kenton, Ohio, thence over U.S. Highway 30S to Delphos, Ohio, thence over U.S. Highway 30 to junction Illinois Highway 42A, thence over Illinois Highway 42A to Chicago, Ill., and return over the same routes.

No. MC-103435 (Deviation No. 20), UNITED-BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, SD 57701, filed October 15, 1971. Carrier's representative: J. Maurice Andren, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Rapid City, S. Dak., over Interstate Highway 90 to Gillette, Wyo., and (2) from Gillette, Wyo., over Interstate Highway 90 to Sheridan, Wyo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Rapid City, S. Dak., over U.S. Highway 14 to Sturgis, S. Dak., (2) from Sturgis, S. Dak., over Alternate U.S. Highway 14 to Deadwood, S. Dak., (3) from Deadwood, S. Dak., over U.S. Highway 85 to Spearfish, S. Dak., (4) from Sturgis, S. Dak., over South Dakota Highway 34 to junction U.S. Highway 85 (2 miles south of Belle Fourche, S. Dak.), thence over U.S. Highway 85 to Spearfish, S. Dak., (5) from Spearfish, S. Dak., over U.S. Highway 14 to Moorcroft, Wyo., (6) from Rapid City, S. Dak., over South Dakota Highway 79 to Hermosa, S. Dak.,

(7) from Hermosa, S. Dak., over South Dakota Highway 36 to junction Alternate U.S. Highway 16, (8) from junction South Dakota Highway 36 and Alternate U.S. Highway 16 over Alternate U.S. Highway 16 to Custer, S. Dak., (9) from Rapid City, S. Dak., over U.S. Highway 16 to Sheridan, Wyo., and (10) from junction unnumbered highway and U.S. Highway 14 (west of Spotted Horse, Wyo.) over U.S. Highway 14 to Sheridan, Wyo., and return over the same routes.

No. MC-111383 (Deviation No. 13), BRASWELL MOTOR FREIGHT LINES, INC., Post Office Box 4447, Dallas, TX 75208, filed October 4, 1971. Carrier's representative: Ronald R. Slaughter, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Opelika, Ala., over Alabama Highway 169 to Crawford, Ala., thence over U.S. Highway 80 to Columbus, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: between Opelika, Ala., and Columbus, Ga., over U.S. Highway 280.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16019 Filed 11-2-71;8:49 am]

[Notice 87]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 29, 1971.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will elimate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC-51018 (Sub-No. 8) (Republication), filed August 5, 1970, published in the FEDERAL REGISTER issues of September 3, 1970, and September 17, 1970, and republished this issue. Applicant: THE BESL TRANSFER COMPANY, a corporation, 5550 East Avenue, Cincinnati, OH 45232. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. A report and order of the Commission, Review Board No. 2, decided September 30, 1971, and served October 22, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of commodities which, because of their size or weight require the use of special equipment, (2) of self-propelled articles, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) of related machinery, tools, parts, and supplies moving in connection with the commodities described in (2), between points in that part of Ohio on and south of U.S. Highway 70 and on and west of U.S. Highway 75, and points in Indiana and Kentucky within 25 miles of Cincinnati, Ohio, on the one hand, and, on the other, those in Indiana, Illinois, Missouri, Michigan, Pennsylvania, New York, Ohio, Kentucky, and West Virginia. The Board further finds that an appropriate certificate should be issued, subject to the prior receipt from applicant of a written request for cancellation of its certificate No. MC-51018 (Sub-No. 5), dated October 20, 1967, and of certificate No. MC-51018 (Sub-No. 6), dated November 24, 1964. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 70083 (Sub-No. 16) (Republication), filed January 26, 1970, published in the FEDERAL REGISTER issue of August 6, 1970, and republished this issue. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, NJ 08034. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. An order of the Commission, Division 1, Acting as an Appellate Division, dated 13 October 1971, and served October 27, 1971, finds, upon consideration of the record in this proceeding; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of general commodities (except explosives and inflammable commodities), moving on a through air bill of lading of direct air carriers or air freight forwarders between New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Newark, N.J., and points in Hunterdon, Mercer, Middlesex, Burlington, Camden, Gloucester, Salem, Monmouth, Somerset, Morris, Passaic, Bergen, Essex, and Union Counties, N.J.; Philadelphia, Pa., points in Bucks, Montgomery, Chester, and Deleware Counties, Pa.; New Castle County, Del.; points in Fairfield County, Conn.; Boston, Mass., and points in Middlesex, Plymouth, Essex, Bristol, Suffolk, and Norfolk Counties, Mass.; and Providence, R.I., on the one hand, and, on the other, Chicago, Ill., and points in Will, Kankakee, Cook, Kendall, Kane, Du Page, Lake, and McHenry Counties, Ill., and points in Lake and Porter Counties, Ind. Since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the service authorized with respect to points in New Castle County, Del., a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 128381 (Sub-No. 3) (Republication), filed November 4, 1970, published in the FEDERAL REGISTER, issue of December 3, 1970, and republished this issue. Applicant: BLUE EAGLE TRUCK LINES, INC., Post Office Box 446, Box 183, Highland Park, IL 60035. Applicant's representative: Stephen L. Jennings, 111 West Jackson Boulevard, Chicago, IL 60604. A report and order of the Commission, Review Board No. 2, decided September 30, 1971, and served October 22, 1971, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of firefighting equipment and parts, and equipment, materials, and supplies used in the manufacture, installation, and repair thereof (except commodities in bulk and except commodities which, because of size or weight, require the use of special equipment), (1) from Northbrook, Ill., to Atlanta, Ga.; and (2) from Northbrook, Ill., and Atlanta, Ga., to Miami and Fort Lauderdale, Fla., under a continuing contract or contracts with General Fire Extinguisher Corp., of Northbrook, Ill.; because it is possible that other persons, who may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 134153 (Sub-No. 1) (Notice of Filing of Petition for Issuance of a Declaratory Order for Modification of Permit), filed September 20, 1971. Petitioner: JOSEPH O. DICKERSON, JR., AND JOSEPH O. DICKERSON, SR., a partnership, doing business as D & D TRANSPORTATION COMPANY, 1415 Park Boulevard, Camden, NJ 08103. Petitioner's representative: Robert D. Stair, Sr., 2122 Meeting House Road, Cinnaminson, NJ 08077. By petition filed as

indicated above, petitioner states it was granted authority as a motor contract carrier in Docket No. MC 134153 Sub 1. A permit has been subsequently issued by the Commission on October 7, 1971, and the service authorized therein reads as follows: "Irregular routes: *Steel articles,* from Philadelphia, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Bayou, Ltd., of Pennsauken, N.J." By the instant petition, petitioner requests that a Declaratory Order be issued by the Interstate Commerce Commission, finding that the restrictive portion of the said permit, which reads: "Irregular routes: Steel articles, from Philadelphia, Pa., * * * *under a continuing contract or contracts with Bayou, Ltd., of Pennsauken, N.J.,*" is unduly prejudicial and discriminatory to petitioner, by being restricted to transportation for only one shipper.

Petitioner further indicates that while the above permanent authority (now issued and corresponding to its previously held authority in MC 134153 TA), which presently held permanent authority covers steel articles from Philadelphia, Pa., and points in 12 eastern States and the District of Columbia, it is all for the account of Bayou, Ltd., of Pennsauken. Petitioner states that while the authority would appear to be adequate, no healthy profit picture has been shown on the partnership books due to strikes in the steel industry and lack of steel to transport over the months. Petitioner further states that one of the steel shippers who has approached petitioner is Precision Dawn Steel Co., the parent company of which Bayou is a division. Petitioner believes that elimination of the restriction in its permit would enable it to serve said parent company and its subsidiaries. Petitioner believes that the restriction should be eliminated in the interests of better conformance to the National Transportation Policy, or, in the alternative, allow petitioner to make contracts with other shippers of steel articles having need of its services. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments, in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 89805 (Sub-No. 3) (Correction), filed September 17, 1971, published in the FEDERAL REGISTER issue of October 6, 1971, corrected in part, and republished as corrected, this issue. Applicant: JAMES RIVER BUS LINES, a corporation, 310 North Main Street, Blackstone, VA 23824. Applicant's representative: John C. Goddin, 200 West Grace Street, Richmond, VA 23220. NOTE: The purpose of this partial republication is to reflect under section (b) that no intermediate points are to be served, in lieu of all, erroneously shown in previous publication. The rest of the application remains the same.

No. MC 98913 (Sub-No. 3), filed October 1, 1971. Applicant: J. B. REED MOTOR EXPRESS, INC., 712 North Farnsworth Avenue, Aurora, IL 60507. Applicant's representative: Charles H. Atwell, 403 West Galena Boulevard, Aurora, IL 60506. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Illinois on and within the following boundaries: From the Illinois-Indiana State line in a westerly direction along Illinois Highway 17 to its junction with Illinois Highway 23, thence along Illinois Highway 23 in a northerly direction to its junction with U.S. Highway 6 at Ottawa, thence in a westerly direction along U.S. Highway 6 to its junction with U.S. Highway 51 at Peru, thence in a northerly direction along U.S. Highway 51 to its junction with Illinois Highway 173 at or near Rockford, Ill., thence along Illinois Highway 173 in an easterly direction to Zion, thence along the western shore of Lake Michigan to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to the point of beginning. NOTE: Applicant indicates it does not intend to tack although it holds authority in its Sub-No. 1, wherein the authority sought herein could be tacked. Applicant states that revocation of its Sub-No. 1 is agreeable if authority herein is granted. This application is a matter directly related to MC-F-11290, published in the FEDERAL REGISTER issue of September 9, 1971. The instant application seeks to convert the certificate of registration now held by applicant in No. MC 98913 (Sub-No. 2), which is involved in an application for control by Gordons Transports, Inc., under MC-F-11290 into a certificate of Public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Memphis, Tenn., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11341. (Correction) (SOUTHEASTERN TRAILWAYS, INC.—MERGE—I & S TRAILWAYS, INC., doing business as INDIANAPOLIS & SOUTHEASTERN TRAILWAYS), published in the October 20, 1971, issue of the FEDERAL REGISTER on page 20323, should be modified to show SOUTHEASTERN TRAILWAYS, INC., formerly WESSON COMPANY is authorized to operate as a common carrier in Indiana and Kentucky. NOTE: Pursuant to IM-141-D Order dated October 12, 1971 in No. MC-54591 Subs 4, 5, and 6, the Commission's records were amended to reflect applicant's corporate name as SOUTHEASTERN TRAILWAYS, INC.

No. MC-F-11354. Authority sought for control and lease by F-B TRUCK LINE COMPANY, 1891 West 2100 South, Salt Lake City, Utah 84119, of BOAT TRANSIT, INC., 1343 Logan Avenue, Costa Mesa, CA, and for acquisition by MERLIN J. NORTON, also of Salt Lake City, Utah 84119, of control and lease of BOAT TRANSIT, INC., through the acquisition by F-B TRUCK LINE COMPANY. Applicants' attorney: Earl H. Schudder, Jr., Post Office Box 82028, Lincoln, NE 68501. Operating rights sought to be controlled and leased: *Boats and boat parts, supplies, and equipment,* as a *common carrier* over irregular routes, (1) between points in Michigan, Ohio, Illinois, Indiana, New York, Pennsylvania, Delaware, New Jersey, West Virginia, Wisconsin, Kentucky, Virginia, and the District of Columbia, (2) between points in Alabama, Arkansas, Connecticut, Florida, Georgia, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, and Vermont, between points in (2) on the one hand, and, on the other, points in (1), (3) between points in Arizona, California, Colorado, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, between points in (3) on the one hand, and, on the other, points in (1) and (2); *fiberglass bathtubs and shower bathstalls,* from Santa Ana, Calif., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and points in the United States east thereof; *fiberglass roving,* from Anderson, S.C., to Santa Ana, Calif.; *prefabricated wall panels,* from the plantsite of Plywood Fabricators, Inc., in Mendocino County, Calif., to points in Maryland; *synthetic yarn,* from the plantsite and storage facilities of Boaz Spinning Co., Inc., at or near Boaz and Guntersville, Ala., to points in California. F-B TRUCK LINE COMPANY is authorized to operate as a *common carrier* in Idaho, Utah, Montana, California, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11353. Authority sought for purchase by ALLIED VAN LINES, INC., 25th Avenue, and Roosevelt Road, Broadview, IL, Mail: Post Office Box 4403, Chicago, IL 60680, of the operating rights of CONTINENTAL VAN LINES, INC., 4501 West Marginal Way, Mail:

Post Office Box 3963, Seattle, WA 98124. Applicants' attorneys: Patrick H. Smyth and Charles M. Walters, both of, Mail: Post Office Box 4403, Chicago, IL 60680. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier* over irregular routes, between points in Alaska, except those east of an imaginary line constituting a southward extension of the United States-Canada boundary line (Alaska-Yukon Territory); *household goods* as defined by the Commission, *new furniture,* uncrated, and *office fixtures,* uncrated, between Seattle, Wash., and points in that part of Alaska lying south and east of the United States-Canada boundary line located at or near Haines, Alaska. Vendee is authorized to operate as a *common carrier* in all States in the United States except Alaska and Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11351. Authority sought for continuance in control by JAMES D. PIRNIE, Post Office Box 1665, Grand Island, NE 68801, of GRAND ISLAND MOVING & STORAGE CO., INC., also of Grand Island, Nebr. 68801. Applicants' attorney: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. GRAND ISLAND MOVING & STORAGE CO., INC., is now operating under section 210(a) a temporary authority, for the transportation of generally *meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as a *common carrier* over irregular routes in Nebraska, Pennsylvania, Iowa, Missouri, Delaware, Maryland, Massachusetts, New Jersey, New York, Illinois, Minnesota, Wisconsin, and Vermont. JAMES D. PIRNIE holds no authority from this Commission. However, he is affiliated with ARROW FREIGHT LINES, INC., Post Office Box 1665, Grand Island, NE 68801, which is authorized to operate as a common carrier in Nebraska. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC-135283 Sub-5, to be heard concurrently herewith.

No. MC-F-11352. Authority sought for purchase by MINNESOTA-WISCONSIN TRUCK LINES, INCORPORATED, 965 Eustis Street, St. Paul, MN 55114, of the operating rights of CARL SCHOEN, doing business as CHASKA-CARVER MOTOR EXPRESS, Rural Route No. 2, Box 71, Chaska, MN 55318, and for acquisition by A. A. McCUE, also of St. Paul, Minn. 55114, of control of such rights through the purchase. Applicants' attorney: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-98287 Sub-1, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Minnesota. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, and South Dakota. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-119914 Sub-19, is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16020 Filed 11-2-71;8:50 am]

[Notice 388]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 28, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111383 (Sub-No. 31 TA), filed October 18, 1971. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Boulevard, Post Office Box 4447, Dallas, TX 75208. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (with the usual exceptions) (1) from Atlanta, Ga., to Norcross, Ga., and points in its commercial zone over U.S. Interstate Highway 85 to junction Georgia Highway 141, thence over Georgia Highway 141 to Norcross, Ga., serving all intermediate points and (2) from Atlanta, Ga., to Norcross, Ga., over U.S. Highway 23, serving all intermediate points, and return over the same routes, serving Tucker-Stone Mountain, Ga., as an intermediate or off-route point in connection with carriers authorized regular route operation in MC-111383 and subs thereunder, for 180 days. NOTE: Applicant states it does not intend to tack with existing authority. Supported by: There are approximately 33 shippers and consignees mostly in the Atlanta, Norcross, Tucker-Stone Mountain area. Send protests to: E. K. Willis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 13C12 Federal Building, 1100 Commerce Street, Dallas, TX 75202.

No. MC 115523 (Sub-No. 166 TA), filed October 18, 1971. Applicant: CLARK TANK LINES COMPANY, Post Office Box 1895 (84110), 1450 Beck Street, Salt Lake City, UT 84116. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Potash,* in bulk, from the plantsite of Kaiser Chemicals, near Wendover, Utah, to the plantsite of U.S. Steel Agri-Chemicals at Filer, Fischer, Hansen, Mitchell, Paul, Shelley, Rexburg, Wilder, and Nampa, Idaho, and Claude, Oreg., and the plantsites of Simplot Soilbuilders at American Falls and Blackfoot, Idaho, for 180 days. Supporting shipper: Kaiser Chemicals, Division of Kaiser Aluminum & Chemical Corp., Kaiser Center, 300 Lakeside Drive, Oakland, CA 94604 (Post Office Box 2099) (R. L. Weber, traffic manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 124679 (Sub-No. 44 TA), filed October 18, 1971. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum sheets* with plastic impregnation, from Salt Lake City, Utah, to points in the continental United States, for 180 days. Supporting shipper: Dyna-Flex Corp., 2300 South 3600 West Street, Salt Lake City, UT 84120 (Richard D. Bunker, vice president). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 126278 (Sub-No. 3 TA), filed October 18, 1971. Applicant: FRIGID WAY CARTAGE CO., 4400 West 45th Street, Chicago, IL 60438. Applicant's representative: William B. McMaster (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Chicago and Deerfield, Ill., to points in Indiana, Ohio, Michigan, and Louisville, Ky. Restriction: The above authority is restricted to the transportation of traffic originating at the facilities of Continental Freezers of Illinois at Chicago, Ill., and the plantsites and warehouse utilized by Kitchens of Sara Lee, Inc., at Deerfield, and Chicago, Ill., and destined to the named destination States, for 180 days. Supporting shippers: James D. Varrato, distribution manager, Kitchens of Sara Lee Corp., 500 Waukegan Road, Deerfield, IL; Raymond C. Wheaton, traffic manager, Continental Freezers of Illinois, 4220 South Kildare Avenue, Chicago, IL. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 129631 (Sub-No. 21 TA), filed October 18, 1971. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing materials,* from Salt Lake City, Woods Cross, and North Ogden, Utah, to points in Montana and those points in Idaho south of Idaho County, Idaho, for 180 days. Supporting shippers: Lloyd A. Fry, Roofing Co., 5818 Archer Road, Summit (Argo Post Office),

IL 60501 (G. A. Homeier, director of traffic); Smith & Edwards, No. Highway 84, Route 3, Box 118, Ogden, UT (Bert N. Smith); Marko Inc., 1184 Bonner Way, Salt Lake City, UT 84117 (Mark R. Critchfield, president). Send protests to: John T. Vaughn, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16021 Filed 11-2-71;8:54 am]

[Notice 774]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 29, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73164. By order of October 28, 1971, the Motor Carrier Board approved the transfer to Simons Trucking Co., Inc., Grand Rapids, Minn., of the operating rights in certificate No. MC-133961 (Sub-No. 1) issued March 19, 1971, to Donald L. Simons, doing business as Simons Trucking Co., Grand Rapids, Minn., authorizing the transportation of fencing, lath, and pallets, from the plantsite of Cole Forest Products, Inc., near Grand Rapids, Minn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Michigan, Wisconsin, Illinois, Indiana, Ohio, Montana, Wyoming, and Colorado. Val M. Higgins, 1000 National Bank Building, Minneapolis, Minn. 55402, attorney for applicants.

No. MC-FC-73214. By order of October 28, 1971, the Motor Carrier Board approved the transfer to Proffitt Vans, Inc., 604 South Atlantic Street, Tullahoma, TN 37388, of the operating rights in certificate No. MC-102492 issued July 26, 1963, to Patrick F. Proffitt, doing business as Proffitt's Vans, 604 South Atlantic Street, Tullahoma, TN 37388, authorizing the transportation of household goods, as defined by the Commission, between specified points in Tennessee, Kentucky, and North Carolina.

No. MC-FC-73218. By order of October 28, 1971, the Motor Carrier Board approved the transfer to James H. Jenkins, Phenix City, Ala., of the operating rights in permits Nos. MC-109730 (Sub-No. 1) and MC-109730 (Sub-No. 3) issued September 23, 1948, and September 18, 1958, respectively, to Earl Powell, Phenix City, Ala., authorizing the transportation of tile and clay products, between Phenix City, Ala., and points in Alabama within 10 miles thereof, on the one hand, and, on the other, points in Georgia, and brick, tile, and other clay products, from Phenix City, Ala., and points in Alabama within 10 miles thereof, to points in that part of Florida in and west of Jefferson County, Fla. Richard Y. Bradley, Post Office Box 2707, Columbus, GA 31902, attorney for applicants.

No. MC-FC-73228. By order of October 28, 1971, the Motor Carrier Board approved the transfer to Boland Trucking Co., Inc., San Francisco, Calif., of the certificate of registration in No. MC-99694 (Sub-No. 1) issued October 13, 1964, to I. W. Boland, doing business as Boland Trucking Co., San Francisco, Calif,. evidencing a right to engage in transportation in interstate or foreign commerce in the San Francisco-East Bay Cartage Zone as indicated in decision No. 52695 dated February 28, 1956, issued by the Public Utilities Commission of California. David W. Tucker, 44 Montgomery Street, San Francisco, CA 94104, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16022 Filed 11-2-71;8:50 am]

[Notice 772-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 27, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73273. By application filed October 22, 1971, J & P PROPERTIES, INC., 6801 Northwest 74th Avenue NW., Miami, FL 33166, seeks temporary authority to lease the operating rights of TRANSYSTEMS, INC. (James W. Beasley, Trustee in Bankruptcy), 6801 Northwest 74th Avenue NW., Miami, FL 33166, under section 210a(b). The transfer to J & P PROPERTIES, INC., of the operating rights of TRANSYSTEM, INC. (James W. Beasley, Trustee in Bankruptcy), is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16023 Filed 11-2-71;8:50 am]

ASSIGNMENT OF HEARINGS

OCTOBER 29, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 77972 Sub 17, Merchants Truck Lines, Inc., continued to November 15, 1971, Room 403, Sun-N-Sand Motel, Jackson, Miss.

MC 135602, Road Hog, Inc., now assigned January 17, 1972, in New York, N.Y.

MC-F-11122, Duff Truck Lines—Purchase—Vernon R. Doering, doing business as Michigan Ohio Motor Freight, now assigned December 16, 1971, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11221, Alleghany Corp., doing business as Jones Motor—Control—R. F. Post, Inc., at the Offices of Interstate Commerce Commission, Washington, D.C., now assigned January 24, 1972.

W-1255, Potomac Boat Tours, now assigned December 16, 1971, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 95540 Sub 814, Watkins Motor Lines, Inc., assigned January 19, 1972, at Dallas, Tex.

MC 107064 Sub 83, Steere Tank Lines, Inc., assigned January 12, 1972, at Dallas, Tex.

MC 107295 Sub 480, Pre-Fab Transit Co., assigned January 17, 1972, at Dallas, Tex.

MC 112304 Sub 47, Ace Doran Hauling & Rigging Co., assigned January 11, 1972, at Dallas, Tex.

MC-F 11133, Reliable Truck Lines, Inc.—Purchase (Portion)—A-OK Motors Lines, Inc. (Samuel Kaufman Trustee in Bankruptcy), MC 129344 Sub 9, Reliable Truck Lines, Inc., MC-F 11134, Cooper Transfer Co., Inc.—Purchase (Portion)—A-OK Motor Lines, Inc. (Samuel Kaufman-Trustee in Bankruptcy), MC 55889 Sub 39, Cooper Transfer Co., Inc., MC-F 11143, Gordons Transports, Inc.—Purchase (Portion)—A-OK Motor Lines, Inc. (Samuel Kaufman, Trustee in Bankruptcy), MC 11220 Sub 123, Gordons Transports, Inc., MC-F 11150, The Mason & Dixon Lines, Inc.—Purchase (Portion)—A-OK Motor Lines, Inc. (Samuel Kaufman Trustee in Bankruptcy) MC 59583 Sub 130, The Mason & Dixon Lines, Inc., now being assigned hearing December 6, 1971, in Montgomery, Alabama, in a hearing room to be later designated.

MC 112822 Sub 188, Bray Lines, Inc., assigned January 10, 1972, at Dallas, Tex.

MC 32882 Sub 62, Mitchell Bros. Truck Lines, MC 125433 Sub 23, F-B Truck Line, now assigned January 14, 1972, at San Francisco, Calif., hearing room to be designated later.

MC 33641 Sub 96, IML Freight, Inc., now assigned January 17, 1972, at San Francisco, Calif., hearing room to be later designated.

MC 83539 Sub 310, C & H Transportation Co., now assigned January 12, 1972, at San Francisco, Calif., hearing room to be designated later.

MC 83539 Sub 311, C & H Transportation Co., now assigned January 13, 1972, at San Francisco, Calif., hearing room to be designated later.

MC 107227 Sub 121, Insured Transporters, now assigned January 10, 1972, at San Francisco, Calif., hearing room to be designated later.

MC 121060 Sub 8, Arrow Truck Lines, Inc., now assigned November 29, 1971, in the Municipal Auditorium, 1930 Eighth Avenue North will be held in the Civic Center Travelodge, 1800 Eighth Avenue, North-Birmingham, Ala.

MC 30344 Sub 358, Kroblin Refrigerated Xpress, Inc., now assigned November 1, 1971, at New York, N.Y., canceled and reassigned to November 1, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135510, Robert E. Bailey Transport, Inc., now assigned November 5, 1971, at Portland, Oreg., canceled and application dismissed.

MC 11207 Sub 309, Deaton, Inc., now being assigned hearing December 3, 1971, at Atlanta, Ga., in a hearing room to be later designated.

MC 83539 Sub 317, C & H Transportation Co., Inc., now being assigned hearing December 17, 1971, in a hearing room to be later designated, in Atlanta, Ga.

MC 107515 Sub 752, Refrigerated Transport Co., Inc., now being assigned hearing December 15, 1971, in Atlanta, Ga., in a hearing room to be later designated.

MC 107839 Sub 146, Denver-Albuquerque Motor Transport, Inc., now being assigned hearing December 14, 1971, at Atlanta, Ga., in a hearing room to be later designated.

MC-C 7566, W. T. Mayfield Sons Trucking Co., Inc.—Investigation and Revocation of Certificates, now being assigned hearing December 16, 1971, at Atlanta, Ga., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-16024 Filed 11-2-71;8:50 am]

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